

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/647,140  
Applicant : Kater Davis HAKE et al.  
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Examiner : Brendan O. Baggot

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Customer No. : 6449

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Dear Sir:

*INTRODUCTORY COMMENTS*

In response to the Office Action mailed 10 August 2006, please amend the above-identified application as follows.

*Amendments to the Specification* begin on page 2 of this paper. Material added has been indicated by underlining (underlining) and material deleted has been indicated by strikethrough (~~strikethrough~~).

*Amendments to the Claims* are reflected in the listing of claims which begins on page 4 of this paper. Material added has been indicated by underlining (underlining) and material deleted has been indicated by strikethrough (~~strikethrough~~).

*Remarks* begin on page 16 of this paper.

*AMENDMENT TO THE SPECIFICATION*

*Please replace paragraph [0004] on pages 2-3 with the following paragraph:*

[0004] Traditional methods of plant breeding also have yielded modest gains in increasing the oil and protein content of cotton seed, while decreasing the gossypol content (Bassett *et al.*, 1996). Transgenic technology has been used to modify seed constituents, focusing on lipid or protein profile and increasing the sugar, oil or protein content. Willmitzer *et al.* (2000) have reported antisense suppression of starch and protein to augment sugar or protein content, while Lassner *et al.* (2002a, 2002b, 2002c) have suggested suppression of the lipid triacylglycerol in corn and soybeans to produce novel lipids. Lipid modification in oil seed crops (*e.g.*, canola™ *Brassica napus*, *B. rapa* and *B. juncea*, rapeseed, sunflower, soybean, safflower and cotton) has been an active area of research focused on increasing total lipid content and altering the lipid profile. See Chapman *et al.*, 2001; Liu *et al.*, 2002a; Katavic *et al.*, 1995; Ohlrogge *et al.*, 1997; Taylor *et al.*, 2001; Zou *et al.*, 1997; Brown *et al.*, 2002. Of the oil seed crops, only in cotton is the seed-oil of relatively low economic value compared to another natural yield component (cellulose).

*Please replace paragraph [00013] on pages 5-6 with the following paragraph:*

[00013] Therefore, in one embodiment, the invention provides a reduced seed-oil content plant cell that expresses a seed-oil suppressing gene under control of a plant-active promoter which exhibits a reduction in seed-oil and a concomitant increase in plant carbohydrate, protein or both and where the seed-oil suppressing gene is selected from the group consisting of a mutant allele of a gene naturally occurring in said plant and a transgene. Preferred plants for use in the invention are selected from the group consisting of cotton; corn, soybean, canola™ *B. napus*, *B. rapa* and *B. juncea* and wheat. The invention provides, in another embodiment, a reduced seed-oil content plant which comprises a cell as described above. In yet another embodiment, the invention provides a

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`reduced seed-oil content plant as described above that has enhanced fiber yield. Such reduced seed-oil content plants may be an elite or primitive cultivar.

*Please replace the paragraph referring to reference 110 on page 57 (i.e., lines 3-4) with the following paragraph.*

110. Rayburn ST Jr, Keene ER (2001) 2001 National Cotton Variety Tests: <http://msa.ars.usda.gov/stoneville/cgpr/ncvt/01/2001book.htm>. Tests. <http://msa.ars.usda.gov/stoneville/cgpr/ncvt/01/2001book.htm>.

*Please replace the paragraph referring to the reference 145 on page 60 (i.e., lines 8-9) with the following paragraph.*

145. USDA-AMS (2002) Market News Reports - Cotton. United States Department of Agriculture, Agriculture Marketing Service. <http://www.ams.usda.gov>. Service. <http://www.ams.usda.gov>.

### *AMENDMENTS TO THE CLAIMS*

This listing of claims will replace all prior versions, and listings, of claims in the application.

#### *Listing of Claims*

Claim 1 (currently amended): A reduced seed-oil content plant cell ~~that expresses~~ comprising a seed-oil suppressing gene under control of a plant-active promoter, wherein said a plant comprising said plant cells and expressing said seed-oil suppressing gene exhibits a reduction in seed-oil and a concomitant increase in plant carbohydrate, protein or both and wherein said seed-oil suppressing gene is selected from the group consisting of a mutant allele of a gene naturally occurring in said plant and a transgene.

Claim 2 (currently amended): A reduced seed-oil content plant cell of claim 1, which is selected from the group consisting of cotton, corn, soybean, ~~canola~~ *B. napus*, *B. rapa*, *B. juncea* and wheat.

Claim 3 (original): A reduced seed-oil content plant cell of claim 2, which is a cotton plant cell.

Claim 4 (currently amended): A reduced seed-oil content plant which comprises ~~a cell of claim 1~~ cells that comprise and express a seed-oil suppressing gene under control of a plant-active promoter, wherein said plant exhibits a reduction in seed-oil and a concomitant increase in plant carbohydrate, protein or both and wherein said seed-oil suppressing gene is selected from the group consisting of a mutant allele of a gene naturally occurring in said plant and a transgene.

Claim 5 (currently amended): A reduced seed-oil content plant of claim 4 92, wherein said cotton plant has enhanced fiber yield.

Claim 6 (currently amended): A reduced seed-oil content plant of claim ~~4~~ 4, wherein said seed-oil suppressing gene is a mutant allele of a gene naturally occurring in said plant.

Claim 7 (original): A reduced seed-oil content plant of claim 4, which is an elite cultivar.

Claim 8 (original): A reduced seed-oil content plant of claim 4, which is a primitive cultivar.

Claim 9 (currently amended): A reduced seed-oil content plant of claim 4 6, wherein said seed-oil suppressing gene is introduced into the germplasm of said ~~elite cultivar~~ plant.

Claim 10 (original): A reduced seed-oil content plant of claim 4, wherein said seed-oil suppressing gene controls seed-oil content by suppressing seed-oil biosynthesis.

Claim 11 (original): A reduced seed-oil content plant of claim 4, wherein said seed-oil suppressing gene controls seed-oil content by suppressing seed-oil storage.

Claim 12 (currently amended): A reduced seed-oil content plant of claim 4 6, wherein said seed-oil suppressing gene is generated within the germplasm of said plant by random mutagenesis.

Claim 13 (original): A reduced seed-oil content plant of claim 12, wherein said seed-oil suppressing gene is mutagenized by exposure to ethyl methanesulfonate.

Claim 14 (currently amended): A reduced seed-oil content plant of claim 4 6, wherein said seed-oil suppressing gene is identified and isolated from a mutagenized seed stock.

Claim 15 (canceled).

Claim 16 (currently amended): A reduced seed-oil content plant of claim 4 ~~6~~, wherein expression of said seed-oil suppressing gene suppresses a gene selected from the group consisting of carbonic anhydrase, ~~ACCase~~ acetyl-CoA carboxylase (ACCase), lysophosphatidic acid acyltransferase (LPAT), diacylglycerol acyltransferase (DGAT), and oleosin and any combination thereof.

Claim 17 (currently amended): A reduced seed-oil content plant of claim ~~15~~ 99, wherein said seed-oil suppressing ~~gene suppresses~~ genes suppress a gene early in the oil biosynthetic pathway and a gene late in the oil biosynthetic pathway.

Claim 18 (currently amended): A reduced seed-oil content plant of claim 17, wherein said gene that is early in the seed-oil biosynthesis pathway is selected from the group consisting of the ~~CA~~ carbonic anhydrase (AC) gene and the ~~ACCase~~ acetyl-CoA carboxylase (ACCase) gene, and wherein said gene that is late in the seed-oil biosynthesis pathway is selected from the group consisting of the ~~LPAT~~ lysophosphatidic acid acyltransferase (LPAT) gene and the ~~DGAT~~ diacylglycerol acyltransferase (DGAT) gene.

Claim 19 (original): A reduced seed-oil content plant of claim 4, wherein said seed-oil suppressing gene is a transgene.

Claims 20-21 (canceled).

Claim 22 (currently amended): A reduced seed-oil content plant of claim ~~21~~ 19, wherein expression of said transgene suppresses a gene selected from the group consisting of carbonic

anhydrase, ~~ACCase~~ acetyl-CoA carboxylase (ACCase), lysophosphatidic acid acyltransferase, diacylglycerol acyltransferase, and oleosin ~~and any combination thereof~~.

Claim 23 (currently amended): A reduced seed-oil content plant of claim ~~21~~ 101, wherein said ~~transgene suppresses~~ transgenes suppress a gene early in the oil biosynthetic pathway and a gene late in the oil biosynthetic pathway.

Claim 24 (canceled).

Claim 25 (currently amended): A reduced seed-oil content plant of claim ~~24~~ 23, wherein said gene that is early in the seed-oil biosynthesis pathway is selected from the group consisting of the ~~CA~~ carbonic anhydrase (AC) gene and the ~~ACCase~~ acetyl-CoA carboxylase (ACCase) gene, and wherein said gene that is late in the seed-oil biosynthesis pathway is selected from the group consisting of the ~~LPAT~~ lysophosphatidic acid acyltransferase (LPAT) gene and the ~~DGAT~~ diacylglycerol acyltransferase (DGAT) gene.

Claim 26 (currently amended): A reduced seed-oil content plant of claim ~~4~~ 19, wherein said seed-oil suppressing gene is selected from the group consisting of a cosuppression directing nucleic acid, an antisense nucleic acid, a nucleic acid that encodes an immunomodulation protein, a nucleic acid that encodes a ribozyme, a nucleic acid that encodes a transcription factor suppressor and a nucleic acid that encodes an RNAi sequence.

Claim 27 (original): A reduced seed-oil content plant of claim 19, wherein said transgene is operatively linked to a constitutive promoter.

Claim 28 (original): A reduced seed-oil content plant of claim 27, wherein said constitutive promoter is selected from the group consisting of the 35S promoter from cauliflower mosaic virus,

the maize ubiquitin promoter, the peanut chlorotic streak caulimovirus promoter, a Chlorella virus methyltransferase gene promoter, the full-length transcript promoter from figwort mosaic virus, the rice actin promoter, pEMU promoter, MAS promoter, the maize H3 histone promoter and an Agrobacterium gene promoter.

Claim 29 (original): A reduced seed-oil content plant of claim 19, wherein said transgene is operatively linked to a seed-specific promoter.

Claim 30 (original): A reduced seed-oil content plant of claim 29, wherein said seed-specific promoter is selected from the group consisting of the cotton alpha-globulin promoter, the napin gene promoter, the soybean alpha-conglycinin gene promoter, the soybean beta-conglycinin gene promoter and the soybean lectin promoter.

Claim 31 (original): A reduced seed-oil content plant of claim 29, wherein said seed-specific promoter is generated by operable linkage of a genetic element that directs seed-specific expression to a core promoter sequence.

Claim 32 (currently amended): A reduced seed-oil content plant of claim 19, wherein said transgene is operatively linked to a promoter that is activated by application of an ~~external~~ exogenous stimulus.

Claim 33 (currently amended): A reduced seed-oil content plant of claim 32, wherein said seed-oil suppressing gene is expressed in the presence of said ~~external~~ exogenous stimulus.

Claim 34 (currently amended): A reduced seed-oil content plant of claim 32, wherein said ~~external~~ exogenous stimulus is copper, a benzenesulfonamide herbicide safener, a glucocorticosteroid hormone, estradiol and ecdysterodial activity.



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Claim 35 (currently amended): A reduced seed-oil content plant of claim 32, wherein expression of said seed-oil suppressing gene, after activation, continues to be expressed in the absence of said ~~external~~ exogenous stimulus.

Claim 36 (original): A reduced seed-oil content plant of claim 19, wherein said seed-oil suppressing gene is operably linked to a promoter selected from the group consisting of an inducible promoter and a repressible promoter.

Claim 37 (original): A reduced seed-oil content plant of claim 36, wherein said inducible promoter is selected from the group consisting of the promoter from the ACE1 system, the promoter of the maize Intron 2 gene, the promoter of the Tet repressor from Tn10, the phosphate-deficiency responsive promoter from a phosphate-starvation responsive beta-glucosidase gene from *Arabidopsis*, the synthetic promoter containing a 235bp sulfur deficiency response element from a soybean beta-conglycinin gene linked to a 35S core promoter sequence, the inducible promoter from a steroid hormone gene the transcriptional activity of which is induced by a glucocorticosteroid hormone and XVE.

Claim 38 (canceled).

Claim 39 (currently amended): A reduced seed-oil content plant of claim ~~38~~ 30, wherein said promoter is the cotton alpha-globulin promoter (AGP).

Claim 40 (currently amended): A reduced seed-oil content plant of claim 35, wherein said plant comprises an excisable blocking sequence that prevents expression of said seed-oil suppressing gene prior to excision of said blocking sequence.

Claim 41 (currently amended): A reduced seed-oil content plant of claim 35 4, wherein the seed-oil content of said plant is reduced to a level of 1% to 17% of the fuzzy whole seed weight.

Claim 42 (currently amended): A reduced seed-oil content plant of claim 35 4, wherein stable pools of sucrose are generated in said plant that are available to increase, in a sustained fashion, the production of commercially valuable cellulosic, starch or protein macromolecules.

Claims 43-87 (canceled).

Claim 88 (new): The reduced seed-oil content plant cell of claim 1 further comprising a second seed-oil suppressing gene under control of a plant-active promoter, wherein said second seed-oil suppressing gene is selected from the group consisting of a mutant allele of a gene naturally occurring in said plant and a transgene.

Claim 89 (new): A reduced seed-oil content plant cell of claim 88, which is selected from the group consisting of cotton, corn, soybean, *B. napus*, *B. rapa*, *B. juncea* and wheat.

Claim 90 (new): A reduced seed-oil content plant cell of claim 89, which is a cotton plant cell.

Claim 91 (new): The reduced seed-oil content plant of claim 4, which is selected from the group consisting of cotton, corn, soybean, canola and wheat.

Claim 92 (new): The reduced seed-oil content plant of claim 91, which is a cotton plant.

Claim 93 (new): A reduced seed-oil content plant which comprises cells that comprise and express a first seed-oil suppressing gene under control of a plant-active promoter and a second seed-

oil suppressing gene under control of a plant-active promoter, wherein said plant exhibits a reduction in seed-oil and a concomitant increase in plant carbohydrate, protein or both and wherein said first and second seed-oil suppressing genes are selected from the group consisting of a mutant allele of a gene naturally occurring in said plant and a transgene.

Claim 94 (new): The reduced seed-oil content plant of claim 93, which is selected from the group consisting of cotton, corn, soybean, canola and wheat.

Claim 95 (new): The reduced seed-oil content plant of claim 94, which is a cotton plant.

Claim 96 (new): A reduced seed-oil content plant of claim 95, wherein said cotton plant has enhanced fiber yield.

Claim 97 (new): A reduced seed-oil content plant of claim 93, which is an elite cultivar.

Claim 98 (new): A reduced seed-oil content plant of claim 93, which is a primitive cultivar.

Claim 99 (new): A reduced seed-oil content plant of claim 93, wherein each of said seed-oil suppressing genes is a mutant allele of a gene naturally occurring in said plant.

Claim 100 (new): A reduced seed-oil content plant of claim 99, wherein expression of said seed-oil suppressing genes suppress genes selected from the group consisting of carbonic anhydrase, acetyl-CoA carboxylase (ACCase), lysophosphatidic acid acyltransferase (LPAT), diacylglycerol acyltransferase (DGAT), oleosin and any combination thereof.

Claim 101 (new): A reduced seed-oil content plant of claim 93, wherein each of said seed-oil suppressing genes is a transgene.

Claim 102 (new): A reduced seed-oil content plant of claim 101, wherein expression of said seed-oil suppressing transgenes suppress genes selected from the group consisting of carbonic anhydrase, acetyl-CoA carboxylase (ACCase), lysophosphatidic acid acyltransferase (LPAT), diacylglycerol acyltransferase (DGAT), oleosin and any combination thereof.

Claim 103 (new): A reduced seed-oil content plant of claim 101, wherein each of said seed-oil suppressing genes is selected from the group consisting of a cosuppression directing nucleic acid, an antisense nucleic acid, a nucleic acid that encodes an immunomodulation protein, a nucleic acid that encodes a ribozyme, a nucleic acid that encodes a transcription factor suppressor and a nucleic acid that encodes an RNAi sequence.

Claim 104 (new): A reduced seed-oil content plant of claim 101, wherein each of said transgenes is operatively linked to a constitutive promoter.

Claim 105 (new): A reduced seed-oil content plant of claim 104, wherein said constitutive promoter is selected from the group consisting of the 35S promoter from cauliflower mosaic virus, the maize ubiquitin promoter, the peanut chlorotic streak caulimovirus promoter, a Chlorella virus methyltransferase gene promoter, the full-length transcript promoter from figwort mosaic virus, the rice actin promoter, pEMU promoter, MAS promoter, the maize H3 histone promoter and an Agrobacterium gene promoter.

Claim 106 (new): A reduced seed-oil content plant of claim 101, wherein each of said transgenes is operatively linked to a seed-specific promoter.

Claim 107 (new): A reduced seed-oil content plant of claim 106, wherein said seed-specific promoter is selected from the group consisting of the cotton alpha-globulin promoter, the napin gene

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promoter, the soybean alpha-conglycinin gene promoter, the soybean beta-conglycinin gene promoter and the soybean lectin promoter.

Claim 108 (new): A reduced seed-oil content plant of claim 107, wherein said promoter is the cotton alpha-globulin promoter (AGP).

Claim 109 (new): A reduced seed-oil content plant of claim 107, wherein said seed-specific promoter is generated by operable linkage of a genetic element that directs seed-specific expression to a core promoter sequence.

Claim 110 (new): A reduced seed-oil content plant of claim 101, wherein said transgene is operatively linked to a promoter that is activated by application of an exogenous stimulus.

Claim 111 (new): A reduced seed-oil content plant of claim 110, wherein said seed-oil suppressing gene is expressed in the presence of said exogenous stimulus.

Claim 112 (new): A reduced seed-oil content plant of claim 110, wherein said exogenous stimulus is copper, a benzenesulfonamide herbicide safener, a glucocorticosteroid hormone, estradiol and ecdysterodial activity.

Claim 113 (new): A reduced seed-oil content plant of claim 110, wherein expression of said seed-oil suppressing gene, after activation, continues to be expressed in the absence of said exogenous stimulus.

Claim 114 (new): A reduced seed-oil content plant of claim 101, wherein each of said seed-oil suppressing genes is operably linked to a promoter selected from the group consisting of an inducible promoter and a repressible promoter.

Claim 115 (new): A reduced seed-oil content plant of claim 114, wherein said inducible promoter is selected from the group consisting of the promoter from the ACE1 system, the promoter of the maize Intron 2 gene, the promoter of the Tet repressor from Tn10, the phosphate-deficiency responsive promoter from a phosphate-starvation responsive beta-glucosidase gene from *Arabidopsis*, the synthetic promoter containing a 235bp sulfur deficiency response element from a soybean beta-conglycinin gene linked to a 35S core promoter sequence, the inducible promoter from a steroid hormone gene the transcriptional activity of which is induced by a glucocorticosteroid hormone and XVE.

Claim 116 (new): A reduced seed-oil content plant of claim 113, wherein said plant comprises excisable blocking sequences that prevents expression of each of said seed-oil suppressing genes prior to excision of said blocking sequences.

Claim 117 (new): A reduced seed-oil content plant of claim 93, wherein the seed-oil content of said plant is reduced to a level of 1% to 17% of the fuzzy whole seed weight.

Claim 118 (new): A reduced seed-oil content plant of claim 93, wherein stable pools of sucrose are generated in said plant that are available to increase, in a sustained fashion, the production of commercially valuable cellulosic, starch or protein macromolecules.

Claim 119 (new): A reduced seed-oil content plant of claim 6, wherein the seed-oil content of said plant is reduced to a level of 1% to 17% of the fuzzy whole seed weight.

Claim 120 (new): A reduced seed-oil content plant of claim 6, wherein stable pools of sucrose are generated in said plant that are available to increase, in a sustained fashion, the production of commercially valuable cellulosic, starch or protein macromolecules.

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Claim 121 (new): A reduced seed-oil content plant of claim 99, wherein the seed-oil content of said plant is reduced to a level of 1% to 17% of the fuzzy whole seed weight.

Claim 122 (new): A reduced seed-oil content plant of claim 99, wherein stable pools of sucrose are generated in said plant that are available to increase, in a sustained fashion, the production of commercially valuable cellulosic, starch or protein macromolecules.

Claim 123 (new): A reduced seed-oil content plant of claim 101, wherein the seed-oil content of said plant is reduced to a level of 1% to 17% of the fuzzy whole seed weight.

Claim 124 (new): A reduced seed-oil content plant of claim 101, wherein stable pools of sucrose are generated in said plant that are available to increase, in a sustained fashion, the production of commercially valuable cellulosic, starch or protein macromolecules.

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#### REMARKS

The specification has been amended to identify “canola” as a trademark. According to the *Encyclopedia of Seeds: Science, Technology and Uses* (pages 45-46, published 2006 by CABI, Oxfordshire UK) “canola™” is defined as the seed, oil and meal form *Brassica napus*, *Brassica rapa* and *Brassica juncea* that contains less than 2% of the total fatty acids as erucic acid and less than 30 µmol/g of aliphatic glucosinolates in the moisture-free meal. Thus, the specification has been amended to include this trademark definition.

The specification has been further amended to delete hyperlinks.

Claim 1 has been amended to clarify the claim language to indicate that the plant cell comprises the seed-oil suppressing gene and that the plant comprises the plant cells and expresses this gene.

The dependency of claim 5 has been amended to provide proper antecedent basis for “said cotton plant.”

Claim 9 has been amended to provide proper antecedent basis.

Claims 16 and 22 have been amended to insert the name for ACCase and to delete the combinations.

The dependency of claim 17 has been amended to provide proper antecedent basis for two seed-oil suppressing genes.

Claims 18, 25 and 44 have been amended to provide the names for the abbreviated gene names.

Claim 32 has been amended to clarify the language of the claim and to provide proper antecedent basis.

Claims 32-35 have been amended to specify an “exogenous” stimulus in place of an “external” stimulus. Support for the use of the term “exogenous” can be found for the examples of stimuli provided in paragraph [00020] which describes stimuli that are all external to the plant and thus are exogenous to the plant.

Claim 40 has been amended to clarify the language of the claim.

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Several claims have been amended to change their dependencies in order to clarify such claims.

Claims 15, 20, 21, 24, 38, 43 and 44 have been canceled.

Claims 45-87 have been canceled as being directed to non-elected inventions without prejudice to filing one or more divisional applications.

New claims 88-124 have been added and are directed to subject matter similar to the subject matter of claims 1-44 and include plant cells and plants that contain two seed-oil suppressing genes. Support for the presence of two seed-oil suppressing genes can be found, for example, in original claims 17 and 24 and in paragraph 15 of the specification.

Applicants submit that the above amendments are not new matter, and their entry is requested.

The Examiner objected to the presence of hyperlinks in the specification. The specification has been amended to remove such hyperlinks, thus obviating this objection.

The Examiner objected to claims 5, 18 and 24 for informalities. These claims have either been amended or canceled to obviate these objections

The Examiner has rejected claims 24-25 and 43 under 35 U.S.C. § 112, first paragraph for lack of written description. The essence of the Examiner's rejection is that the specification does not provide an actual description of an operative, fully described RNAi molecule and that such a description is required by *University of California v. Eli Lilly and Co.*, 119 F.3 1559, 43 U.S.P.Q.2d 1398 (Fed. Cir. 1997). Without acceding to the propriety of this rejection, Applicants have nevertheless canceled claims 24 and 43 and have amended claim 25 to depend from claim 23.

In view of the above amendments and remarks, Applicants submit that the claims are fully described by the specification. Withdrawal of this rejection is requested.

The Examiner has rejected claims 1-7 and 13-15 under 35 U.S.C. § 112, first paragraph for lack of enablement beyond cotton varieties DP 555 BG/BR and DP 493. Applicants submit that the Examiner is in error in this rejection and that a proper analysis of the Wands factors, particularly in

view of the knowledge in the art, does not support an enablement rejection of the claimed subject matter.

*The nature of the invention.*

The present invention is directed to plant cells comprising one or two seed-oil suppressing genes. The present invention is further directed to plants comprising and expressing one or two seed-oil suppressing genes. Each of the genes is under the control of a plant-active promoter. Expression of the genes in the plant results in a reduction in seed-oil and a concomitant increase in plant carbohydrate and/or protein. Each of the seed-oil suppressing genes is either a mutant allele of a gene naturally occurring in the plant or is transgene.

The subject matter of the present invention is not as unpredictable as alleged by the Examiner. In making this allegation, the Examiner cites *Mycogen Plant Sci., Inc. v. Monsanto Co.*, 243 F.3d 1316 (Fed. Cir. 2001). Applicants note that the patents involved in this litigation issued from applications that were filed in 1995 tracing parentage back to applications filed in 1983. Certainly in 1983, more than 20 years before the filing of the present application, the field of plant transformation was unpredictable. However, such a general unpredictability was no longer the case in 2003 as described in further detail below and demonstrated by the references discussed below.

*The breadth of the claims.*

The claims encompass the plant cells comprising one or two seed-oil suppressing genes. The present invention is further directed to plants comprising and expressing one or two seed-oil suppressing genes. Each of the genes is under the control of a plant-active promoter. Expression of the genes in the plant results in a reduction in seed-oil and a concomitant increase in plant carbohydrate and/or protein. Each of the seed-oil suppressing genes is either a mutant allele of a gene naturally occurring in the plant or is transgene.

The Examiner has asserted that such seed-oil suppressing genes expressly includes any gene because any and all genes directly or indirectly affect seed-oil biosynthesis suppression. The Examiner has not provided any scientific evidence to support this bald assertion as required by *In re Wright*, 27 USPQ 2d, 1510 (Fed. Cir. 1993) and *In re Marzocchi*, 169 USPQ 367 (CCPA 1973).

In fact, the prior art contradicts the Examiner's assertion. It is well known in the art that genes can be introduced into plants to increase seed-oil content and to increase certain components of the seed-oil, e.g. increase oleic acid content. It is clear that these genes do not result in a reduction in seed-oil and a concomitant increase in plant carbohydrate and/or protein. Thus, the prior art shows that the claim scope is narrower than that alleged by the Examiner.

*Amount of guidance and the presence of working examples or lack of working examples.*

The specification specifically describes the nature and practice of the claimed invention, including citing prior art references that disclose techniques that are used in the practice of the claimed invention. Table 1 lists prior art reference, paragraphs in the specification and a brief summary of the content. Applicants note that although this list is only a subset of the literature cited in the application, the literature provides extensive coverage of suitable promoters, nucleotide sequences and transformation methodologies. Table 1 demonstrates the extensive guidance provided in the specification for the practice of the claimed invention.

TABLE 1

<u>Reference*</u>	<u>Paragraph**</u>	<u>Summary of Content</u>
3C	0053, 0085	methods to suppress both early and late oil biosynthesis enzymes
3D	0083	seed-specific promoter
3E	0083	methods to develop cotton mutants
3F	0086	seed-specific promoter
3I	0083	seed-specific promoter
3J	0046	nucleotide sequences for late oil biosynthesis enzymes
3M	0006, 0050	methods to develop transgenic cotton plants with modified seed-oil
3O	0083	seed-specific promoter
3Q	0042	methods to use RNAi in plants
3R	0042	methods to use antisense in plants
3S	0042	methods to use ribozymes
3Z	0083	seed-specific promoter
4B	0042	methods to use RNAi
4E	0042	methods to use zinc finger transcription factors in plants
4J	0046	nucleotide sequences for late enzymes
4K	0042	methods to use immunomodulation in plants

4N	0006, 0046	methods to develop plant mutants for late oil biosynthesis enzymes
4R	0083	seed-specific promoter
4W	0102	methods to develop transgenic plants
4X	0083	methods to develop transgenic plants
4Y	0050	methods to develop transgenic cotton plants with modified seed-oil
5A	0038, 0046	methods to produce plant mutants for late oil biosynthesis enzymes
5B	0040, 0045	nucleotide sequences for early oil biosynthesis enzymes
5J	0083	seed-specific promoter
5M	0083	seed-specific promoter
5P	0042, 0044, 0045, 0084	nucleotide sequences for early oil biosynthesis enzymes
5Q	0042, 0045, 0084	nucleotide sequences for early oil biosynthesis enzymes
5S	0042, 0048, 0084	methods to develop plants with modified late oil biosynthesis proteins
5U	0045	methods to develop plants with modified early oil biosynthesis proteins
5X	0044	nucleotide sequences for early oil biosynthesis enzymes
6D	0049, 0083, 0084	seed-specific promoter in cotton
6E	0084	methods to develop transgenic cotton plants
6F	0006	methods to develop plants with modified late oil biosynthesis enzymes
6H	0083	seed-specific promoter
6L	0083	seed-specific promoter
6M	0043	nucleotide sequences for early oil biosynthesis enzymes
6Q	0006, 0047	methods to develop plants with modified late oil biosynthesis enzymes
6R	0046	nucleotide sequences for late oil biosynthesis enzymes
	* Refers to the references cited in the Information Disclosure Statement.	
	** Refers to the paragraphs in the published application (2004/0133944).	

Furthermore, Applicants submit that guidance is provided in the specification on how to select genes to mutate or suppress using recombinant methods. Paragraphs 0042 through 0048 (with reference to the published application) provide guidance on genes to mutate or suppress using recombinant methods. Although, it is not necessary to know the gene targets prior to the development of mutagenized plants when a clear phenotype (such as low oil and high fiber yields)

are desired. Lethal phenotypes and other deleterious changes are readily identified using the methods described in paragraph 0054, 0055 and 0056 (with reference to the published application).

*State of the prior art.*

The state of the prior art at the time of the present invention is quite advanced as demonstrated by the references cited in the above Table. These references clearly show that a large number of promoters that are active in plants were well known to the skilled artisan. Plant transformation procedures for a large number of plant species were also well known to the skilled artisan. The preparation of DNA constructs for use in plant transformations were also well known to the skilled artisan. In addition, genes involved in oil biosynthesis, including genes for early oil biosynthesis enzymes and genes for late oil biosynthesis enzymes, were well known to a skilled artisan. At the time of the present invention, it was also well known that plants could be transformed with exogenous genes, i.e., genes isolated from other plant species or other organisms, using various explant tissues for transformation. It was also well known that these genes were expressed in the transformed plants. Table 2 contains a list that is representative of publications showing the production of transgenic plants expressing exogenous genes.

TABLE 2

- Brears, T. et al. (1993). Ectopic Overexpression of Asparagine Synthetase in Transgenic Tobacco. *Plant Physiology* 103:1285-1290. (pea gene in tobacco)
- Plant, A.L. et al. (1994). Regulation of an Arabidopsis oleosin gene promoter in transgenic Brassica napus. *Plant Molecular Biology* 25:193-205. (*Arabidopsis* gene promoter in rapeseed)
- Rivoal, J. and Hanson, A.D. (1994). Metabolic Control of Anaerobic Glycolysis (Overexpression of Lactate Dehydrogenase in Transgenic Tomato Roots Supports the Davies-Roberts Hypothesis and Points to a Critical Role for Lactate Secretion. *Plant Physiology* 106:1179-1185. (barley gene in tomato)
- Mikami, K. et al. (1995). Developmental and tissue-specific regulation of the gene for the wheat basic/leucine zipper protein HBP-1a(17) in transgenic Arabidopsis plants. *Mol Gen Genet* 248:573-82. (wheat gene in *Arabidopsis*)

- Matsuda, n. (1996). Partial Male Sterility in Transgenic Tobacco Carrying Antisense and Sense PAL cDNA under the Control of a Tapetum-Specific Promoter. *Plant and Cell Physiology*, 37:215-222. (sweet potato gene with rice promoter in tobacco)
- Halliday, K.J. (1997). Expression of heterologous phytochromes A, B or C in transgenic tobacco plants alters vegetative development and flowering time. *Plant J* 12:1079-90. (oat and *Arabidopsis* genes in tobacco)
- Russell, D.A. and Fromm, M.E. (1997). Tissue-specific expression in transgenic maize of four endosperm promoters from maize and rice. *Transgenic Res* 6:157-68. (rice promoter in maize)
- Williams-Carrier, R.E. et al. (1997). Ectopic expression of the maize kn1 gene phenocopies the Hooded mutant of barley. *Development* 124:3737-45. (maize gene in barley)
- Rao, K.V. et al. (1998). Expression of snowdrop lectin (GNA) in transgenic rice plants confers resistance to rice brown planthopper. *Plant J* 15:469-77. (snowdrop gene in rice)
- Su, J. et al. (1998). Dehydration-stress-regulated transgene expression in stably transformed rice plants. *Plant Physiol* ;117:913-22. (barley gene in rice)
- Dai N. et al. (1999). Overexpression of *Arabidopsis* hexokinase in tomato plants inhibits growth, reduces photosynthesis, and induces rapid senescence. *Plant Cell* 11:1253-66. (*Arabidopsis* gene in tomato)
- Digeon, J.F. et al. (1999). Cloning of a wheat puroindoline gene promoter by IPCR and analysis of promoter regions required for tissue-specific expression in transgenic rice seeds. *Plant Mol Biol* 39:1101-12. (wheat promoter in rice)
- Facciotti, M.T. et al. (1999). Improved stearate phenotype in transgenic canola expressing a modified acyl-acyl carrier protein thioesterase. *Nature Biotechnology* 17:593-597. (mangosteen gene in rapeseed)
- Goossens, A. et al. (1999). The arcelin-5 gene of *Phaseolus vulgaris* directs high seed-specific expression in transgenic *Phaseolus acutifolius* and *Arabidopsis* plants. *Plant Physiol* 120:1095-104. (bean gene in *Arabidopsis*)
- Jenkins, E.S. et al. (1999). Dehiscence-related expression of an *Arabidopsis thaliana* gene encoding a polygalacturonase in transgenic plants of *Brassica napus*. *Plant, Cell & Environment* 22:159-168. (*Arabidopsis* gene in rapeseed)
- Ku, M.S. et al. (1999). High-level expression of maize phosphoenolpyruvate carboxylase in transgenic rice plants. *Nat Biotechnol* 17:76-80. (maize gene in rice)

Liu, D. et al. (1999). The Arabidopsis transposon Tag1 is active in rice, undergoing germinal transposition and restricted, late somatic excision. *Mol Gen Genet* 262:413-20. (*Arabidopsis* gene in rice)

Schake, S.A. (1999). Analysis of transgenic tobacco that express maize Catalase3. Ph.D. Dissertation, Texas Tech University. (maize gene in tobacco)

Van Breusegem, F. et al. (1999). Overproduction of Arabidopsis thaliana FeSOD confers oxidative stress tolerance to transgenic maize. *Plant Cell Physiol* 40:515-23. (*Arabidopsis* gene in maize)

As the Examiner will note, all of the above papers were published by 1999, four years prior to the filing of the present application. Even additional references can be found and cited that demonstrate the production of transgenic plants expressing exogenous genes.

*The predictability or lack thereof in the art.*

The predictability in the art is determined, not by looking at whether the molecular characterization of the individual lines needs to be made, but whether a skilled artisan would have a reasonable expectation of success that plants having a reduction of oil in the seed and concomitant increase in plant carbohydrate and/or protein. Applicants submit that by early 2003, the effective filing date of the present application, the expression of exogenous genes in various plant species was well known. Similarly, techniques to control expression, such as use of constitutive promoters or inducible promoters, were well known. In addition, techniques to modify the level of expression of such exogenous genes were also well known. The predictability in the art is shown by the above cited list of references which clearly demonstrate that the skilled artisan had a reasonable expectation of success for the production of transformed plants containing exogenous genes and to the expression of the exogenous genes in the transformed plants.

Applicants submit that the individual lines do not need to be molecularly characterized in order to determine whether the oil suppression has been accomplished, even if such molecular characterization may be necessary for U.S. regulatory approval. However, due to the intended phenotypic outcome of this invention, simple measurements of oil reduction made on either somatic embryos or T1 seed (seed grown on the primary transformant plant) combined with a measure of



fiber yield can provide robust evaluation of individual lines without molecular characterization. Furthermore, although the Examiner asserts that since oil manipulation for quality or augmentation is elusive, difficult, unpredictable, then oil suppression will also be elusive. Applicants submit that this statement is not true, and would be recognized not to be true by a skilled artisan, because the suppression of a metabolic pathway is much easier than either quality or augmentation changes. Due to the multiple steps in oil-biosynthesis, disruption at few points along the conversion can dramatically reduce the total flux through a pathway.

In addition, the predictability of the present invention is readily shown by work published subsequent to the present application's filing date. In accordance with the guidance presented in the specification, cotton was transformed to contain a *Brassica* non-functional allele of the *FAD2* gene. Seeds of the transformed cotton plants had reduced oil accumulation. The fiber percent and fiber content appeared to be elevated in the transformed cotton plants with a reduction in seed-oil. This work is shown in a Poster of Neogi et al. that was presented at the Plant Biology 2006 meeting in Boston, Massachusetts held on 5-9 August 2006. A copy of the meeting announcement, meeting abstract, poster and a document containing the information from the poster is attached for the convenience of the Examiner. This work is also shown in U.S. patent application publication No. 2007/0028330, a copy of which is also attached for the convenience of the Examiner. Both of these publications clearly demonstrate that the skilled artisan had a reasonable expectation of success for the practice of the invention in accordance with the disclosure in the specification, i.e., reasonable expectation of success that a plant made in accordance with the description in the specification would have a reduction in seed-oil and a concomitant increase in plant carbohydrate and/or protein.

*Amount of experimentation necessary.*

Applicants submit that an undue amount of experimentation is not required in order to practice the claimed invention. As the Examiner is aware, experimentation is permissible as long as it is not undue. The Neogi et al. poster and the published application clearly demonstrate that the claimed invention can be practiced without undue experimentation. These publications show that the preparation of a plant containing and expressing an oil-suppressing gene that results in a plant

with a reduction in seed-oil and a concomitant increase in plant carbohydrate and/or protein is done without undue experimentation. Simply transforming a cotton plant with a *Brassica* non-functional allele of the *FAD2* gene, an oil-suppressing gene, in accordance with the description in the specification yields plants having the claimed phenotypic characteristics. Thus, an undue experimentation is not required to practice the claimed invention following the guidance provided in the specification.

In view of the above amendments and remarks, Applicants submit that the specification fully enables the practice of the claimed invention by a skilled artisan. Withdrawal of this rejection is requested.

The Examiner rejected claims 2, 17, 18, 23, 24, 25, 32-35 and 43-44 under 35 U.S.C. § 112, second paragraph for being indefinite. Claim 2 has been amended to specify the species encompassed by the term "canola." Claim 5 has been amended to obviate the antecedent basis issue. Claims 24, 43 and 44 have been canceled. Thus, this rejection with respect to these claims has been obviated by these amendments.

Applicants note that claims 18 and 25 specifically sets forth the genes that are expressed early or late in the seed-oil biosynthetic pathway, thus defining the metes and bounds of these terms. Thus, Applicants submit that claims 18 and 25 are definite to a skilled artisan, which obviates this rejection with respect to these claims.

Applicants note that claim 34 specifically sets forth a list of exogenous (formerly, external) stimuli, thus defining the metes and bounds of the term "exogenous stimulus." Thus, Applicants submit that claim 34 is definite to a skilled artisan, which obviates this rejection with respect to this claim.

With respect to the terms "a gene early in the oil biosynthetic pathway" and "a gene late in the oil biosynthetic pathway" in claims 17 and 23, Applicants submit that these terms are definite to a person skilled in the art. Definiteness is determined with reference to a person of ordinary skill in the art. *Miles Laboratories, Inc. v. Shandon Inc.*, 997 F.2d 870, 875, 27 U.S.P.Q.2d 1123, 1126 (Fed. Cir. 1993), *cert. denied*, 510 U.S. 1100 (1994) ("The test for definiteness is whether one

skilled in the art would understand the bounds of the claim when read in light of the specification.”); *In re Warmerdam*, 33 F.3d 1354, 1361, 31 U.S.P.Q.2d 1754, 1759 (Fed. Cir. 1994) (“The legal standard for definiteness is whether a claim reasonably apprises those of skill in the art of its scope.”). A skilled artisan knows the genes that are involved in the oil biosynthetic pathway, and knows which of those genes are involved “early” in this pathway or “late” in this pathway, especially in view of the specification which describes genes that are involved “early” and “late” in this pathway. Since a skilled artisan knows to what the terms “a gene early in the oil biosynthetic pathway” and “a gene late in the oil biosynthetic pathway,” refer and thus understands the metes and bounds thereof, the claims are definite. *Miles Laboratories*, 997 F.2d at 875, 27 U.S.P.Q.2d at 1126; *In re Warmerdam*, 33 F.3d at 1361, 31 U.S.P.Q.2d at 1759.

With respect to the term “external stimulus” in claims 32, 33 and 35, Applicants submit that this term as originally present and as amended to “exogenous stimulus” is definite to a person skilled in the art, especially when read in the context of the specification. Paragraph [00020] provides examples of external stimuli for activating promoters. All of these stimuli originate external to the plant, i.e., they originate outside of the plant, and cause stimulation (activation) of a respective promoter for the expression of the operatively linked transgene. Since a skilled artisan knows to what the term “exogenous stimulus,” refers and thus understands the metes and bounds thereof, the claims are definite. *Miles Laboratories*, 997 F.2d at 875, 27 U.S.P.Q.2d at 1126; *In re Warmerdam*, 33 F.3d at 1361, 31 U.S.P.Q.2d at 1759.

In view of the above amendments and remarks, Applicants submit that the claims are definite to a skilled artisan. Withdrawal of this rejection is requested.

The Examiner rejected claims 1-2, 4, 6, 9-11, 15-16, 19-22, 26, 29, 31, 36, 38 and 41-42 under 35 U.S.C. § 102(e) as being anticipated by Lassner et al. (US 6,444,876). The Examiner contends that Lassner et al. teaches a reduced seed-oil content plant cell that expresses a seed-oil suppressing transgene under control of a plant-active promoter. The Examiner further contends that carbohydrates would inherently be increased in these cells of Lassner et al. because of the

interconnected nature of the oil and carbohydrate biosynthetic pathways. Applicants submit that the Examiner is in error in this rejection.

Lassner et al. discloses the isolation of nucleic acid sequences encoding acyl-CoA:cholesterol acyltransferase (ACAT) related proteins, i.e., ACAT-like proteins. ACAT catalyzes the formation of cholesterol esters and is key to controlling the intracellular cholesterol storage. These nucleic acid sequences were isolated by comparing homology to the human and mouse ACAT genes. Genes encoding ACAT-like genes were isolated from *Arabidopsis*, maize, *Mortierella*, *Caenorhabditis elegans* and rat. The *Arabidopsis* gene is 22% similar to the human gene. The *Arabidopsis* gene is 30% identical to and 44% similar to the rat gene. No experiments describing the activity of the *Arabidopsis* ACAT-like gene is presented in Lassner et al., although Lassner et al. does suggest that such gene would be active for the formation of a sterol ester and/or triacylglycerols. Lassner et al. shows that the rat ACAT-like gene has diacylglycerol acyltransferase activity, but does not show whether the *Arabidopsis* ACAT-like gene would have a similar activity. Lassner et al. shows the transformation of plants using the *Arabidopsis* ACAT-like gene and the rat ACAT-like gene in Examples 7-8. Interestingly, in these examples, Lassner et al. does not present any results of the analysis of plants transformed with the *Arabidopsis* ACAT-like gene. However, Lassner et al. notes that leaves of *Arabidopsis* plants having the rat ACAT-like gene have a 10-fold increase in the quantity of triacylglycerol. There is no disclosure in Lassner et al. that the rat ACAT-like gene in an antisense orientation could suppress the formation of triacylglycerol in *Arabidopsis*. Thus, there is no disclosure in Lassner et al. that the *Arabidopsis* ACAT-like gene is a seed-oil suppressing gene nor that it could suppress seed-oil if placed in antisense orientation in a plant cell or plant. Consequently, Lassner et al. does not disclose a plant cell or a plant that comprises a seed-oil suppressing gene in which the expression of the gene results in a reduction of seed-oil with a concomitant increase in plant carbohydrate and/or protein. Thus, Applicants submit that Lassner et al. cannot anticipate the claimed invention.

Applicants also note that claim 16 and its dependent claims are not directed to a nucleic acid in an antisense orientation. Specifically, claim 16 refers to transforming a host cell with a DNA

construct that is only in the sense orientation ("in the **5' to 3' direction**") and "a DNA sequence encoding a **protein** having an amino acid sequence or SEQ ID NO:2." (emphasis added) Claims 19 through 26, although including seed, all derive from claim 16. Thus, it is clear that claims 16-32 do not anticipate the suppression of oil biosynthesis genes in seed to increase the production of commercially important macromolecules.

In addition, Lassner et al. does not disclose plant cells or plants in which a seed-oil suppressing gene is a mutant allele of a gene naturally occurring in the plant as required by claims 6, 9 and 16. Thus, Lassner et al. cannot anticipate these claims.

Also, Lassner et al. does not disclose plant cells or plants in which a seed-oil suppressing gene controls seed-oil content by suppressing seed-oil storage as required by claim 11. Thus, Lassner et al. cannot anticipate this claim.

Furthermore, Lassner et al does not disclose a plant in which the seed-oil content is reduced to a level of 1% to 17% as required by claim 41. Nor does Lassner et al. disclose a plant in which stable pools of sucrose are generated as required by claim 42. Thus, Lassner et al. cannot anticipate these claims.

In view of the above amendments and remarks, Applicants submit that Lassner et al. does not anticipate the claimed subject matter. Withdrawal of this rejection is requested.

The Examiner rejected claims 1-44 under 35 U.S.C. § 103(a) as being obvious over Lassner et al. in view of Auld et al. (*Proc Beltwide Cotton Conf* 1:550-552, 1998) and further in view of Dudley et al. (*Maydica* 37:81-87, 1992). Because Auld et al. and Dudley et al. do not cure the deficiencies of Lassner et al., Applicants submit that the Examiner is in error in this rejection.

In addition, to the comments made above with respect to Lassner et al., Applicants further note that this reference does not disclose plant cells or plants that comprise a first seed-oil suppressing gene and a second seed-oil suppressing gene.

Auld et al. discloses mutagenesis to increase cotton fiber quality. However, Auld et al. does not describe a reduction in seed-oil biosynthesis to increase fiber quantity. Thus, Auld et al. does not describe plants with a reduction in seed-oil and a concomitant increase in plant carbohydrate

and/or protein by the expression of seed-oil suppressing genes under control of plant-active promoters. Furthermore, Auld et al. does not disclose plant cells or plants that comprise a first seed-oil suppressing gene and a second seed-oil suppressing gene.

Dudley et al. demonstrates the correlated response of breeding for high oil content in corn kernels on lowering starch content in corn kernels. Dudley et al. does demonstrate that after 47 generations of breeding for high oil content and then reversing the selection criteria that the starch content also reverses. However, from the data and discussion presented in Dudley et al. it is clear that Dudley et al. did not envision selection for low oil as a tool to increase starch content. Dudley et al. does not demonstrate nor discuss that starch percent could be used to increase starch percent above the preselection level by breeding for low oil. Although Dudley et al. does provide compelling data that selection for high oil or high protein content can decrease starch percent, there is no data, nor discussion, that the inverse is possible. Thus Dudley et al. does not describe plants with a reduction in seed-oil and a concomitant increase in plant carbohydrate and/or protein by the expression of seed-oil suppressing genes under control of plant-active promoters. Furthermore, Dudley et al. does not disclose plant cells or plants that comprise a first seed-oil suppressing gene and a second seed-oil suppressing gene.

Thus, Applicants submit that the combination of Auld et al. and Dudley et al. does not render the claimed invention obvious because the combination does not suggest the presently claimed invention. There is no disclosure in this combination to produce plants having a seed-oil suppressing gene or plants having a first seed-oil suppressing gene and a second seed-oil suppressing gene in which the plant has a reduction in seed-oil and an increase in plant carbohydrate and/or protein.

In view of the above amendments and remarks, Applicants submit that the cited prior art does not render the claimed subject matter obvious. Withdrawal of this rejection is requested.

In view of the above amendments and remarks, it is believed that the claims satisfy the requirements of the patent statutes and are patentable over the prior art. Reconsideration of the

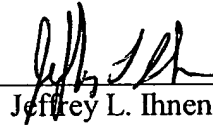
Application Serial No. 10/647,140  
Amendment dated 12 February 2007  
Reply to Office Action mailed 10 August 2006

instant application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

ROTHWELL, FIGG, ERNST & MANBECK, p.c.

By



Jeffrey L. Ihnen

Registration No. 28,957

Attorney for Applicants

1425 K Street, N.W., Suite 800

Washington, D.C. 20005

Telephone No.: (202) 783-6040

Facsimile No.: (202) 783-6031

**ATTACHMENTS:** Papers relating to Negoi et al. (2006) (Plant Biology 2006 meeting announcement, meeting abstract, poster and a document containing the information from the poster)  
U.S. patent application publication No. 2007/0028330

#1379406v1<RFDMS> -1760-297.Amendment

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## Reduced Oil and Protein Accumulation in Cotton Seeds Transformed with a Brassica Non-functional Allele of a Delta-12 Desaturase (FAD2)

Purnima B. Neogi<sup>1</sup>, Agnieszka A. Stawska<sup>1</sup>, Kater D. Hake<sup>2</sup>, Thomas R. Speed<sup>2</sup>, Matthew Q. Cotter<sup>1</sup>, David C. Garrett<sup>1</sup>, Thomas Kerby<sup>2</sup>, Anthony J. Kinney<sup>3</sup>, Kent D. Chapman<sup>1</sup>

<sup>1</sup> Center for Plant Lipid Research, Department of Biological Sciences, University of North Texas, Denton, TX

<sup>2</sup> Delta and Pine Land Company, One Cotton Row, Scott, MS

<sup>3</sup> DuPont Experimental Station, Wilmington, DE

### *Introduction*

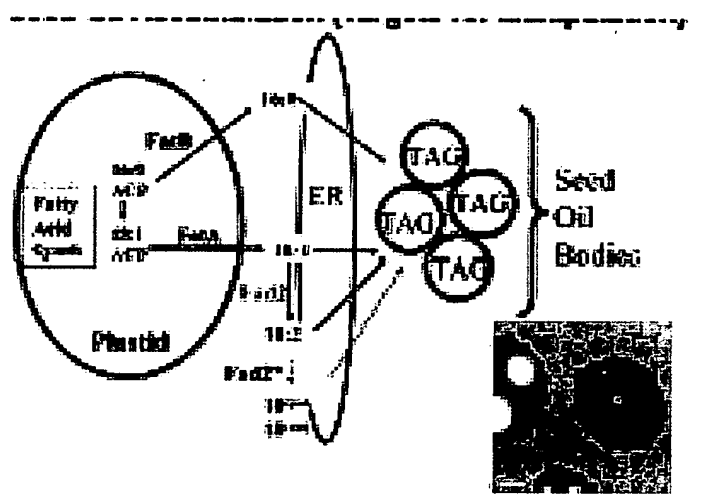
Cotton is grown mostly for fiber production, but it is also the world's sixth largest source of vegetable oil. Refined cottonseed oil is composed of 26% palmitic (16:0), 2% stearic (18:0), 15% oleic (18:1), and 55% linoleic (18:2) acids (Jones and King 1996). Fatty acids in plants are major structural components of biological membranes and storage oil and the assembly of membrane and storage lipids utilizes the same cellular machinery. Intense efforts are underway by many laboratories to understand the mechanisms that regulate oil packaging in seeds and its relationship to membrane biogenesis, which involves three major biosynthetic events, i.e., the synthesis of fatty acids in plastids, the modification of fatty acids by enzymes located in the endoplasmic reticulum, and finally, the packaging of these fatty acids into oil bodies (Fig.1). An enzyme important for the synthesis of polyunsaturated fatty acids in higher plants is the delta-12 desaturase (FAD2) that inserts a double bond between carbons 12 and 13 of monosaturated oleic acid to produce linoleic acid (Liu et al., 2001). ER-membrane bound fatty acid desaturase (FAD2) synthesize linoleic (18:2), which is a common component of cellular membranes and commercial vegetable oils (Shanklin and Cahoon, 1998). There are multiple FAD2 genes in the cotton genome (Pirtle et al., 2001)). However, FAD2-1 is highly expressed in maturing embryos and is the main contributor of the polyunsaturated fatty acids in the seeds of cultivated cottons (Liu et al., 1999).

Genetic engineering strategies that target FAD2 provide opportunities for the dramatic alteration in seed polyunsaturated fatty acid composition, and several groups have reported the development of high oleic transgenic cottonseed lines. Our group suppressed endogenous activity of cottonseed FAD2 by expressing a non-functional fad2 allele from Brassica (BnFAD2; Chapman et al., 2001, see Fig. 2). As might be predicted, cottonseeds from these lines had elevated oleic acid (up to 45%) and reduced linoleic acid (down to 30%). Alternatively, RNA interference and silencing of cottonseed FAD2 expression was accomplished by Liu et al, (2002) and cottonseed in fad2-suppressed lines had 80%oleic acid and concomitant reductions in palmitic and linoleic acid content. Efforts by Rathore and coworkers to elevate oleic acid content in cottonseeds by FAD2-antisense suppression (Sunilkumar et al., 2005) also resulted in anticipated high-oleic and low-linoleic phenotypes.

Subsequent characterization of the BnFAD2-containing lines, revealed poor seed germination characteristics, a phenotype not reported with either RNA-mediated silencing approach (Liu et al., 2002, Sunilkumar et al., 2005), suggesting that expression of the non-functional BnFAD2 protein may be in part responsible for germination and seedling establishment defects. Here we show that expression BnFAD2 in cottonseeds, was associated with reduced embryo size and

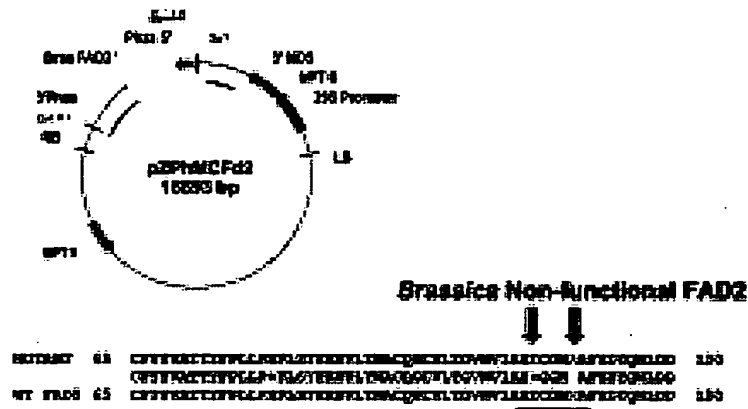
reduced seed oil and protein content. This reduction in reserve content in embryos may afford a reallocation of resources in cottonseed since both fiber percent and fiber content appeared to be elevated in these reduced oil lines. Overall we propose that poor germination and seedling establishment in these BnFAD2 cotton lines is due to inefficient reserve accumulation during seed maturation, and this may provide new strategies for increasing cellulose synthesis in this fiber crop.

### Simplified Scheme for the Compartmentation of Seed Oil Accumulation (Targets for Manipulation)

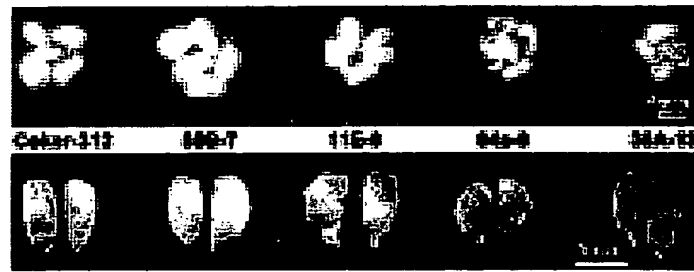


**Fig 1.** Higher plants synthesize fatty acids de novo in the stromal compartment of plastids. Acyl chains esterified to an acyl carrier protein (ACP) undergo chain elongation by the sequential addition of two carbon units, donated by malonyl ACP. Hydrolysis of the acyl-ACP thioester bond by an acyl-ACP thioesterases (FatB and FatA) terminates acyl chain elongation. Fatty acids are exported from seed plastids to the ER for the synthesis of membrane glycerolipids or storage oils (TAGs). Fatty acid desaturases (e.g. FAD2) or FAD2-like enzymes located in ER modify the number of double bonds or introduce unusual functional groups in the fatty acyl chains are incorporated into complex glycerolipids. In cottonseeds the major proportion of flux is toward the synthesis of TAG (with mostly 18:2 fatty acids) and packaging into oil bodies that are stored in the cytoplasm (adapted from Somerville et al., 2000).

## FAD2 "Suppression" Vector

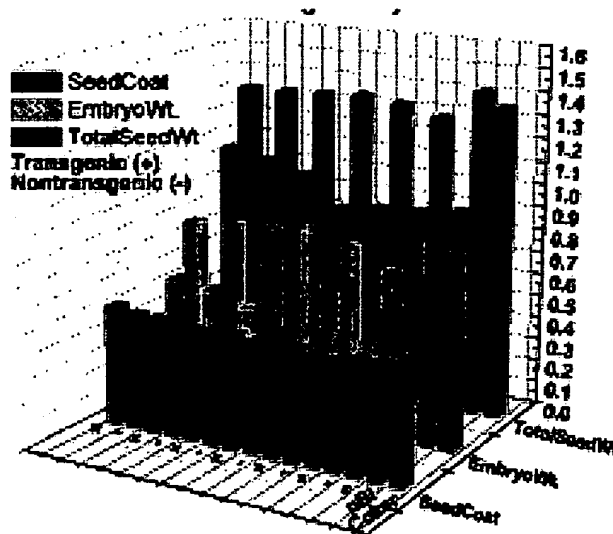


### Transgenic and Non-transgenic Seed Phenotype



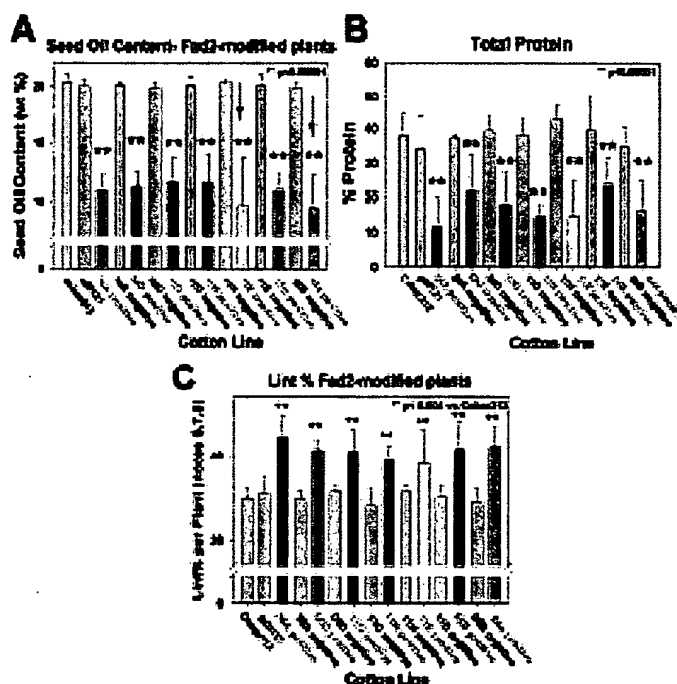
**Fig 4.** BnFAD2 transgenic lines (84a-8, 36A-13, 11E-8) showing differences in seed and embryo size in comparison with non transgenic (Coker 312) and null segregants (55B-7).

### Seed Weight Analysis



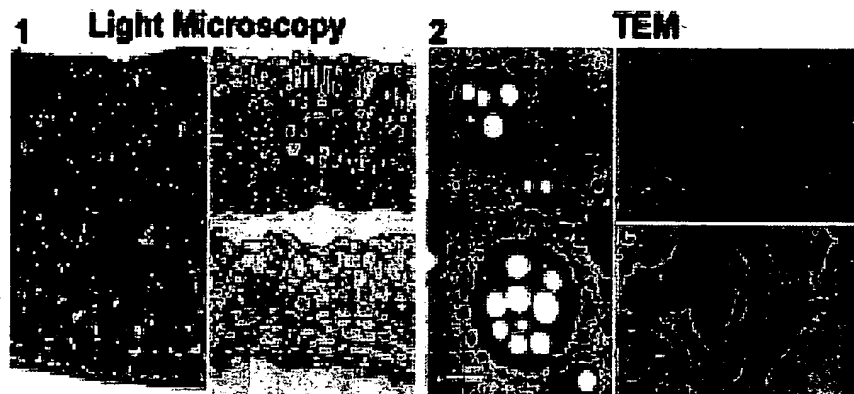
**Fig 5.** Comparison of total seed weight, embryo weight and seed coat weight reveals that the reduction in seed size in BnFAD2 transgenic lines is attributed to altered embryo mass and not due to changes in seed coat weight. Values for transgenic lines (+) are averages from 10 individuals of each of seven lines. Non transgenics (-) are averages from corresponding null segregants.

## Decreased Oil and Protein and Increased Fiber in Bn-FAD2 Lines



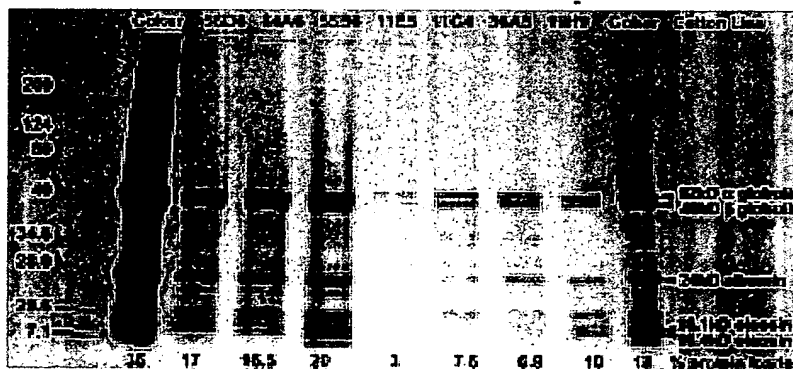
**Fig 6.** Comparison of average oil content (panel A- % by weight) , protein content (Panel B- % by weight) and lint percent (panel C--100 x grams lint/grams lint + grams seed) for seeds harvested from transgenic FAD2-expressing (PCR-positive segregating siblings, red letters) and non-expressing (PCR-negative segregating siblings, black letters) plants. Seeds were selfed progeny derived from T1 individuals. Seed cotton was pooled from bolls on nodes 6, 7, and 8 for each plant and fiber removed by a table-top, 10-saw gin. Seed oil was quantified by pulsedfield 1H-NMR on a Bruker minispec seed analyzer, using cottonseed oil for calibration. Seed protein was estimated by Bradford assay of total protein extracts (Ferguson et al., 1996). Values are averages and standard deviations from 5-12 individual T1 plants (pooled samples of seeds for oil and protein, analyzed in duplicate for each plant). Data were compared by t-test and plants harboring the BnFAD2 transgene were significantly different (higher lint percent and lower oil and protein) from null segregating siblings or other transgenic (pBI121 vector only) or nontransgenic (Coker 312 background) controls.

## Cotyledon Microscopy



**Fig 7.** Comparison of cellular and subcellular features in cotyledons of BnFAD2 transgenic embryos to those of the non-transgenic Coker 312 background. Conventional bright-field microscopic analysis in panel 1 conducted on A. Coker -312 (Oil-20%, Protein-38 %) B. 84a-8 (Oil- 7%, Protein-10%) C. 11E-8 (Oil-3%, Protein-2.31%) plants revealed changes in cotyledon thickness, cell organization/shape, numbers of subcellular organelles in BnFAD2 lines. Conventional transmission electron microscopy (TEM) (panel 2) of cotyledon cells of control (A) and transgenic (B, C) lines(A, Coker -312 ; B, 84a-8; C, 11E-8). Cells of transgenics have few lipid bodies (OB) and protein bodies (PB).

## Protein Composition



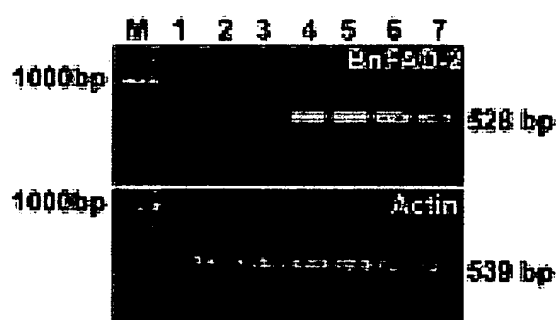
**Fig 8.** Total seed protein extracted according to Ferguson et al., (1996), from Coker 312, null segregants and transgenic lines, were separated by SDS page (equal extract volumes) and stained in Coomassie blue to compare the profiles of seed storage proteins.  $\alpha$  globulin,  $\beta$  globulin, albumin and oleosin were the major seed proteins in all transgenic and non transgenic lines but their concentration varied and was reduced by 50% or more in 11E-5, 36A-5, 11G-4 lines.

### T3 Seed Analysis

Transgenic Line	Seed Cotton Yield Per Plant (g)	Seed Index (g) Per Plant	Lint % Per Plant	Fiber Yield Per Plant (g)	Total Seed Oil % (NMR) 15 Seeds
PCR Positive	147.152	9.072	43.166	63.400	11.119
PCR Negative	146.405	11.682	34.558	51.534	19.039
% Change	+0.5	-22	+25	+23	-42

**Table 1.** Summary of T3 Seed Analysis for BnFAD2 Transgenics and Null Segregating Siblings. Averages are for a total 10-12 T2 individuals (selfed) representing ten independent transgenic events.

### BnFAD2 Expression in Seeds



**Fig 9.** Reverse transcription PCR analysis of BnFAD2 (top) and actin (bottom) transcripts in control and T2 transgenic lines. M=marker. Lanes 1-3 Coker, 36A-1null, 11E-6 null, negative controls. Lanes 4-7= transgenic lines 36A-9, 11E-8, 11G-5, 84a8 showing 528 bp amplification of BnFAD2 RNA transcripts with BnFAD2-specific primers.

## ER Retrieval Motif In BnFAD2

<b>BnFAD-2</b>	YVEPCDQCEK KGV <u>EW</u> NNKL
<b>GhFAD2-1</b>	YVEPCV(G6)BKGV <u>EW</u> NNKP
<b>GhFAD2-2</b>	YVEPCDGDND KGV <u>EW</u> NNKL
<b>GhFAD2-3</b>	YVEPCDGEQSSKGV <u>EW</u> NNKI
<b>AtFAD2-2</b>	YVEPCDGEQDK KGV <u>EW</u> NNKL

**Table 2.** Alignment of the C-terminal amino acid sequences of FAD2 from *Brassica* (BnFAD2), *Gossypium hirsutum* (GhFAD2-1, GhFAD2-2, GhFAD2-3) and *Arabidopsis thaliana* (AtFAD2) spanning the consensus ER retrieval motif (Mc-Cartney et al., 2004). Pink underlined sequence are the conserved aromatic amino acid-enriched residues in FAD2 ER retrieval signals. Blue residues indicate identical or conserved amino acids in targeting sequence.

## Summary and Conclusions

- **Overall Seed Characteristics** - BnFAD2 in cottonseed expression was associated with reduced seed size and weight and this was largely due to reduced size of embryos, not to changes in seed coat mass. Cotyledon thickness, cell size and cell shape were altered with BnFAD2 expression.
- **Reserve Content** - BnFAD2 expression was associated with reduced numbers of lipid bodies and protein bodies in cotyledons which is consistent with the severe reductions in both seed oil and protein content. Total reserves in the embryo were reduced by as much as 50% or more in some lines. On the other hand, fiber yield was increased in reserve-suppressed lines, suggesting that carbon can be re-allocated from embryo stores to seed coat fibers.
- **Possible Explanation** - We propose that BnFAD2 is expressed in developing cottonseeds during reserve accumulation and that this catalytically-inactive, membrane protein is targeted to the ER and interferes with oil and protein synthesis and the proper packaging of storage organelles. Resulting seeds have difficulty in seedling establishment, in part because of reduced reserves, but also in most severe cases because of disrupted cotyledon cellular organization.



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### **Abbreviations**

FAD	Fatty acid desaturase
Bn	Brassica
TAG	Triacylglycerols
ACP	Acyl carrier protein
KD	Kilodalton
ER	Endoplasmic reticulum
TEM	Transmission electron microscopy
RT-CR	Reverse transcription polymerase chain reaction

### **Acknowledgements**

This work was initiated with funding from the U.S. Department of Agriculture NRI competitive grants program (value added products, to KDC) and continues with the generous support of Delta and Pine Land Co. We thank Dr. Charlene Case for assistance with figures and poster preparation.



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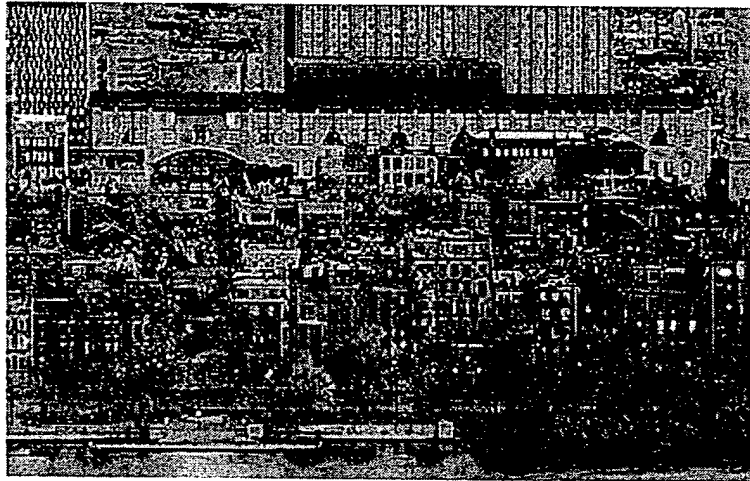
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Abs # P46018: Reduced oil and protein accumulation in cotton seeds transformed with a *Brassica* non-functional allele of a delta-12 desaturase (FAD2)

Presenter: Purnima, Neogi B. [Contact Presenter](#)

Authors Purnima, Neogi B. (A) Agnes, Stawska A. (A) Kater, Hake D. (B)  
Thomas, Speed R. (B) Matthew, Cotter Q. (A) David, Garrett C. (A)  
Thomas, Kerby (B) Anthony, Kinney J. (C) Chapman, Kent D. (A)

Affiliations: (A): University of North Texas, Department of Biological sciences  
(B): Delta and Pine Land Company  
(C): DuPont Experimental Station

Fatty acids in plants are major structural components of biological membranes and storage oil. In an effort to better understand the mechanisms that regulate oil accumulation and packaging in seeds, transgenic cotton lines were generated using a canola non-functional delta-12 fatty acid desaturase (FAD2) under control of the phaseolin promoter. Seeds of numerous transgenic plant lines showed a modified oleic acid phenotype (Chapman *et al.*, 2001, JAOCS 78: 941-7), consistent with a reduced activity of endogenous FAD2 during storage oil synthesis. Here we report that these modified-oleic lines had reduced oil content and reduced seed protein content compared with null segregants or non-transformed seeds. Seed oil content was estimated by <sup>1</sup>H-NMR, and was reduced to 12% or less of seed weight in transgenics (from 20% by weight in non-transformed controls). Seed protein content was evaluated by Bradford assays of total extracted protein and by SDS-PAGE. Preliminary studies suggested that the principal seed storage proteins were reduced in transgenics. Light- and electron-microscopic analyses of severely lowered lines, showed a reduction in overall cotyledon thickness and a disruption in cellular and subcellular organization. Lipid bodies and protein bodies were fewer in transgenics and their size and distribution in cells was different than that in non-transformed seeds. Overall we propose that expression of the non-functional FAD2 allele in cottonseeds disrupts normal oil and protein biosynthesis, likely by interfering with normal ER function in maturing seeds. Future work is aimed at testing this hypothesis and its implication in the overall participation of FAD2 in ER-mediated processes.

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US 20070028330A1

(19) **United States**(12) **Patent Application Publication** (10) **Pub. No.: US 2007/0028330 A1****Hake et al.**(43) **Pub. Date: Feb. 1, 2007**(54) **METHOD OF ENHANCING QUALITY  
FACTORS IN COTTON****Related U.S. Application Data**

(60) Provisional application No. 60/688,706, filed on Jun. 9, 2005. Provisional application No. 60/781,744, filed on Mar. 14, 2006.

(75) Inventors: **Kater Davis Hake**, Germantown, TN (US); **Kent Dean Chapman**, Denton, TX (US); **Thomas Arthur Kerby**, Scott, MS (US); **Thomas Rainey Speed**, Wolfforth, TX (US)**Publication Classification**(51) **Int. Cl.**  
**A01H 5/00** (2006.01)  
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(52) **U.S. Cl.** ..... **800/284; 800/314; 435/468; 435/419****Correspondence Address:****ROTHWELL, FIGG, ERNST & MANBECK,**  
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**WASHINGTON, DC 20005 (US)**(57) **ABSTRACT**(73) Assignee: **Delta and Pine Land Company**, Scott, MS(21) Appl. No.: **11/449,873**(22) Filed: **Jun. 9, 2006**

Preferred embodiments of this invention relate to a method for increasing fiber yield in a cotton plant by regenerating a whole cotton plant from a plant cell that has been transformed with a dominant negative allele for an endoplasmic reticulum located gene. The expression of this gene results in suppression of oil and protein biosynthesis in the developing seed and increased production of fiber in the plant.

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Fig. 1

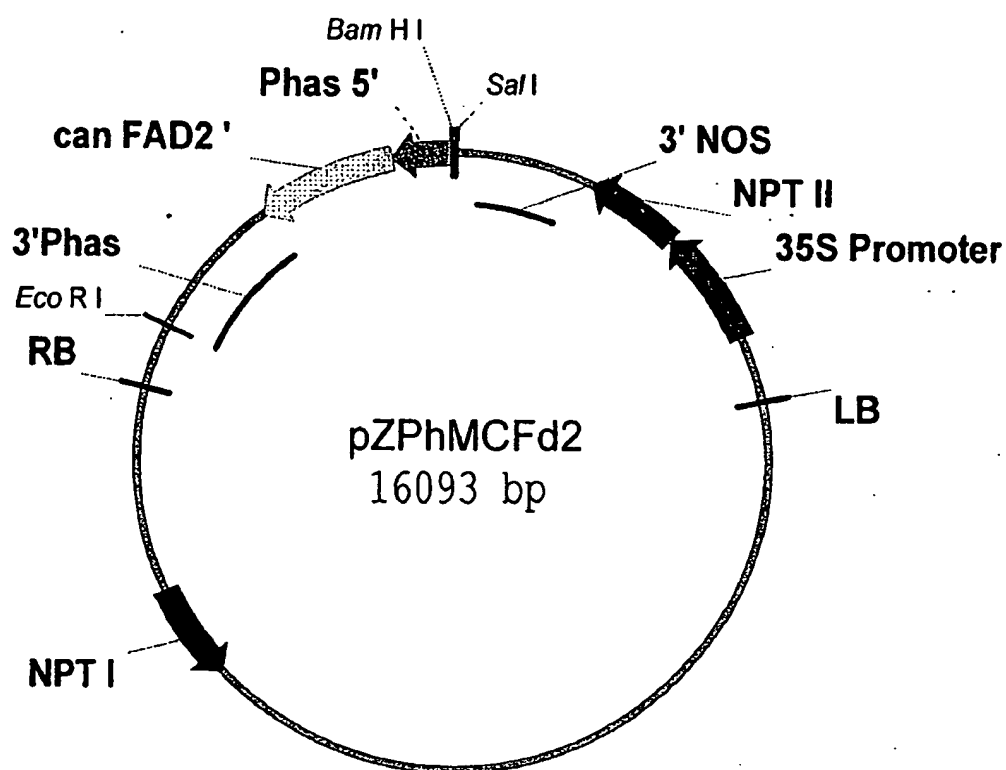


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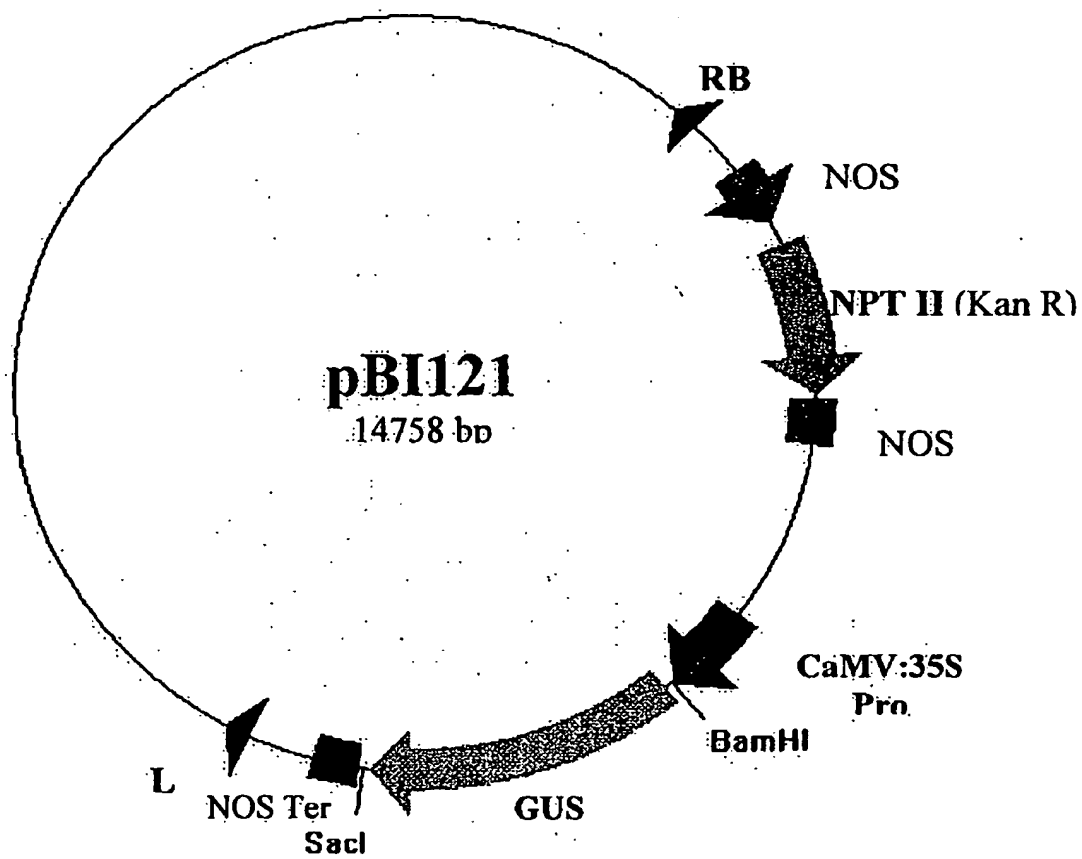


Fig. 3

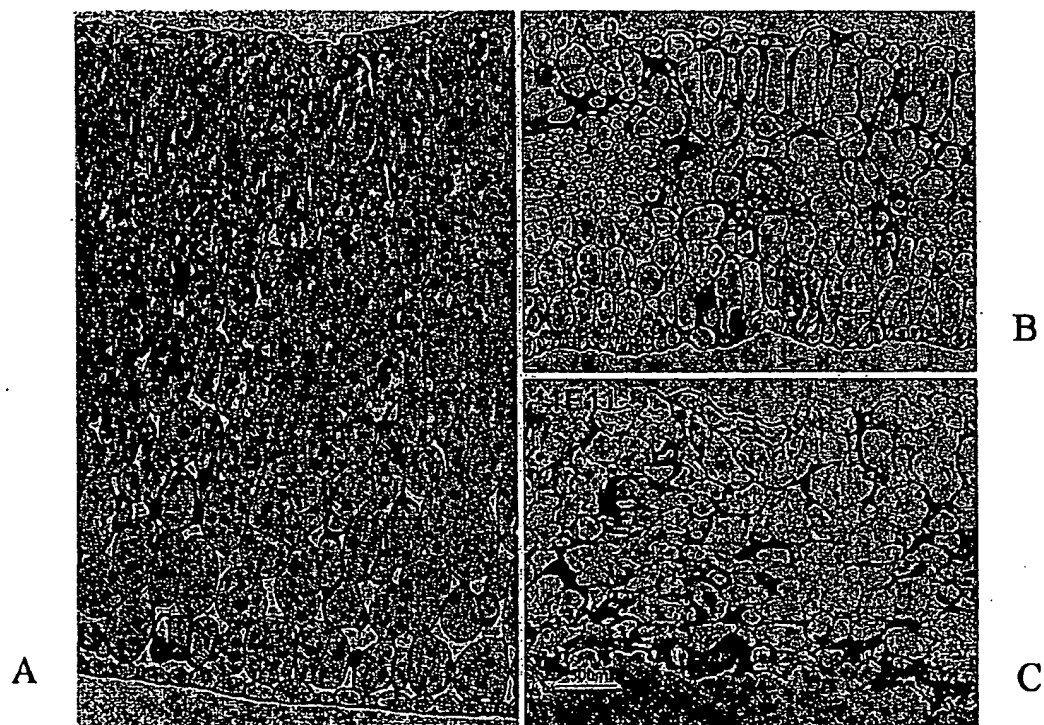


Fig. 4

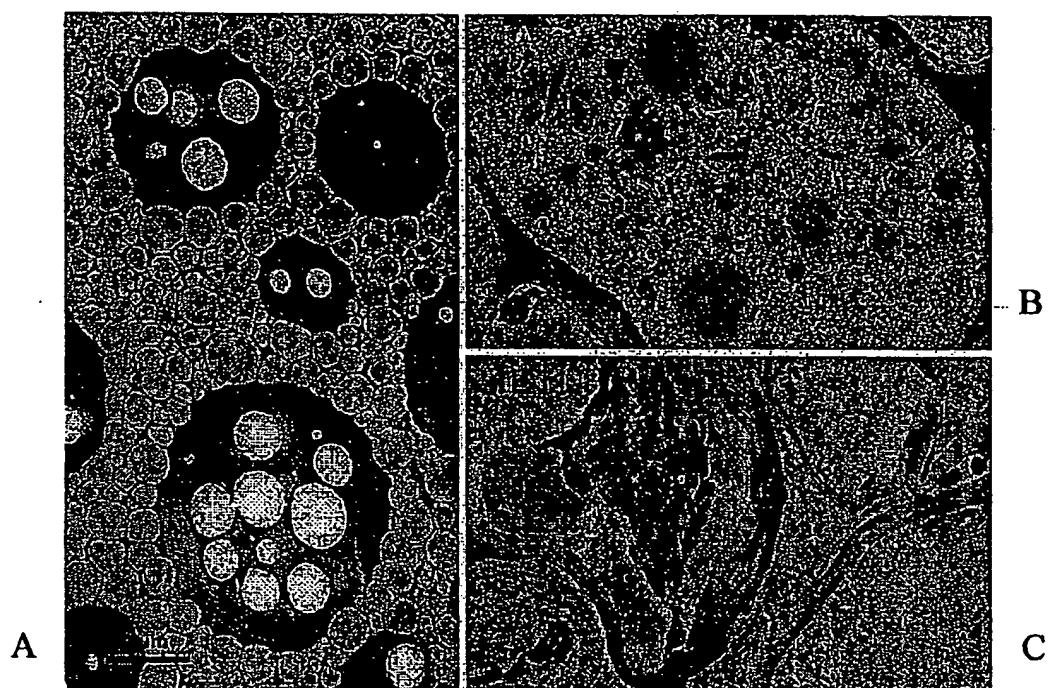


Fig. 5

Oil Content vs Oleic Acid Content (% by weight)  
Eight independent transgenic lines and Coker 312 background

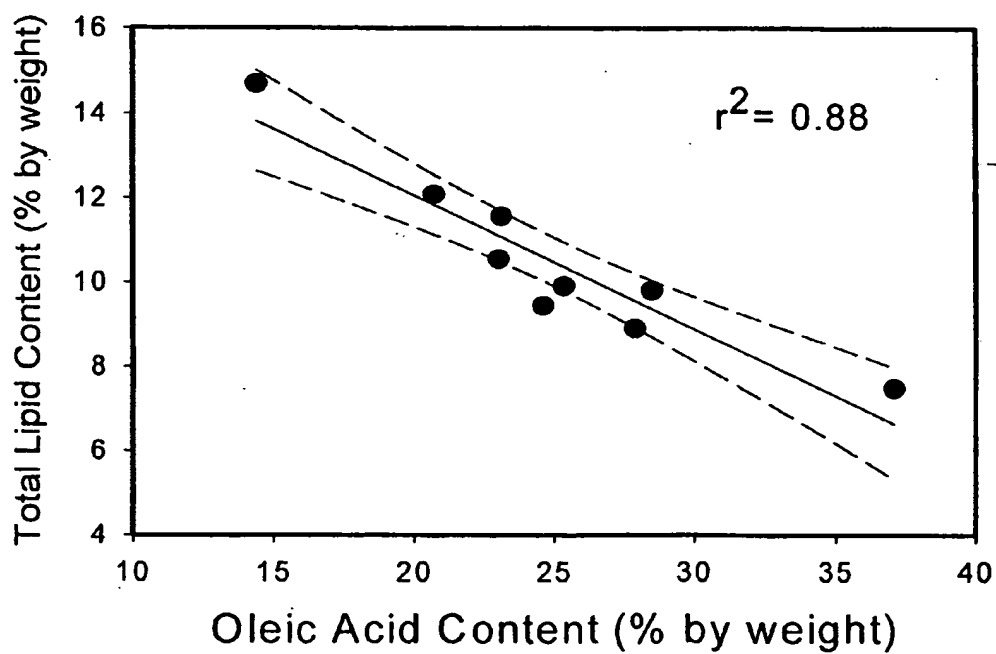


Fig. 6

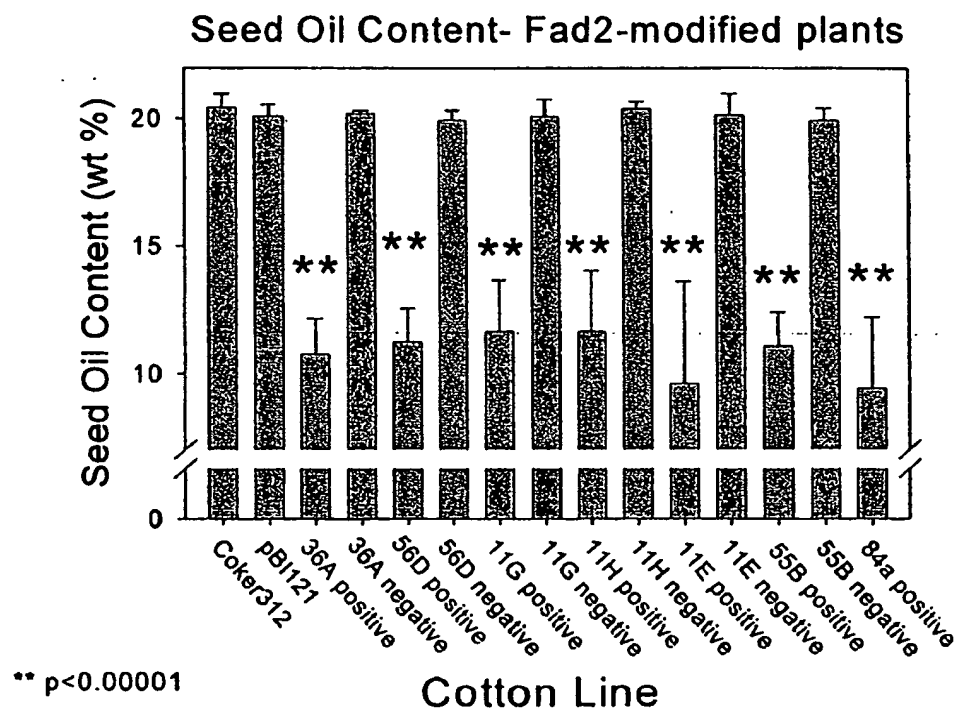


Fig. 7

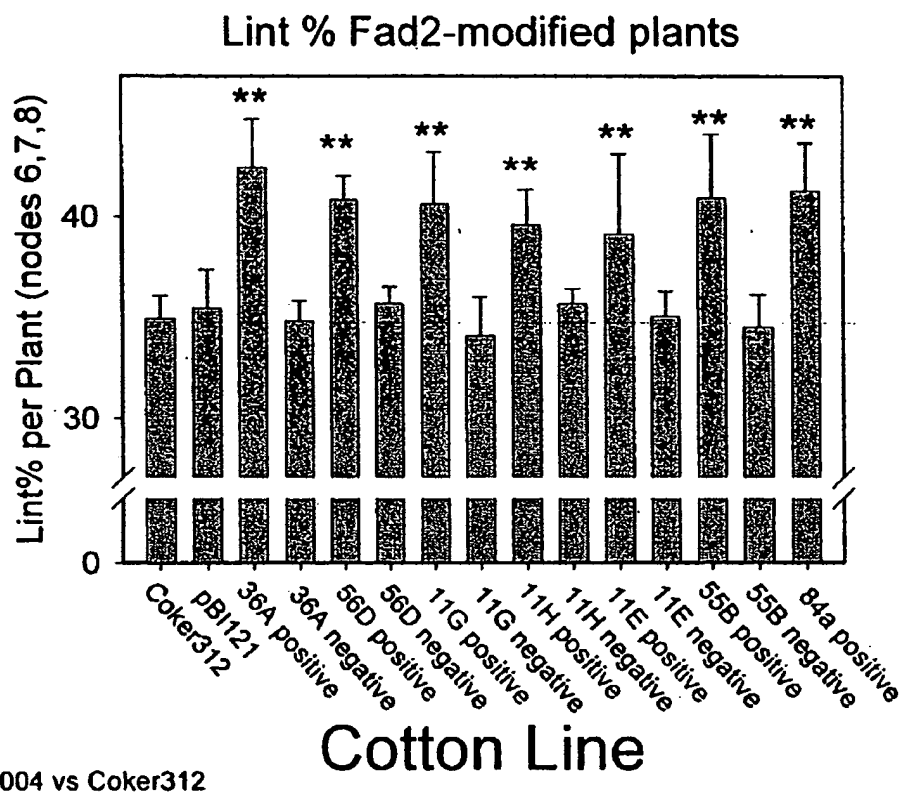
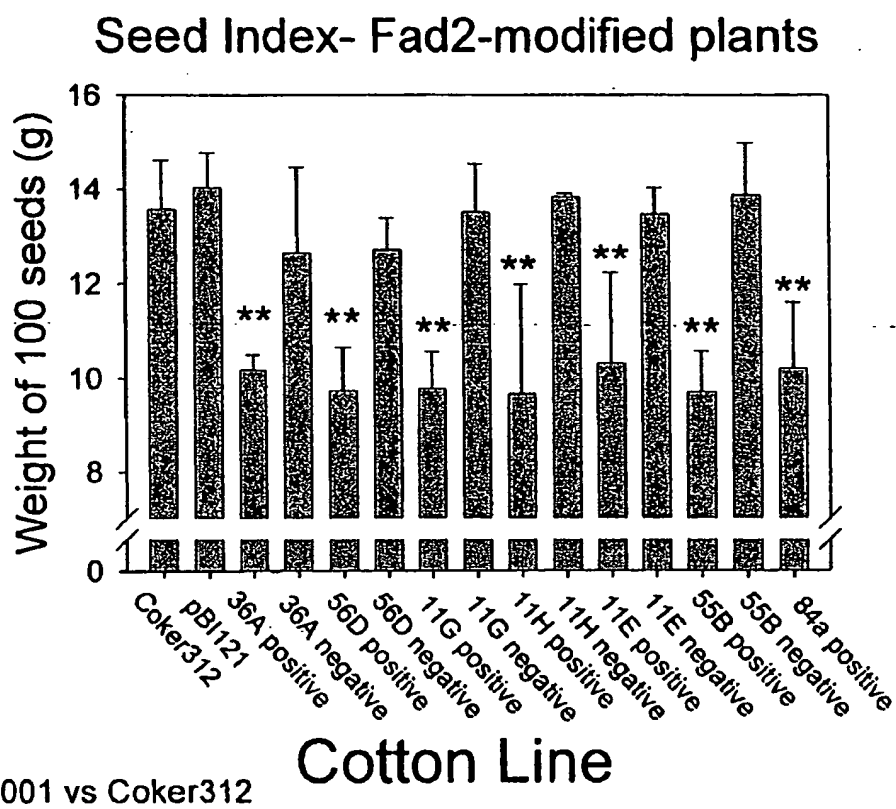


Fig. 8



\*\* p < 0.001 vs Coker312



Fig. 9

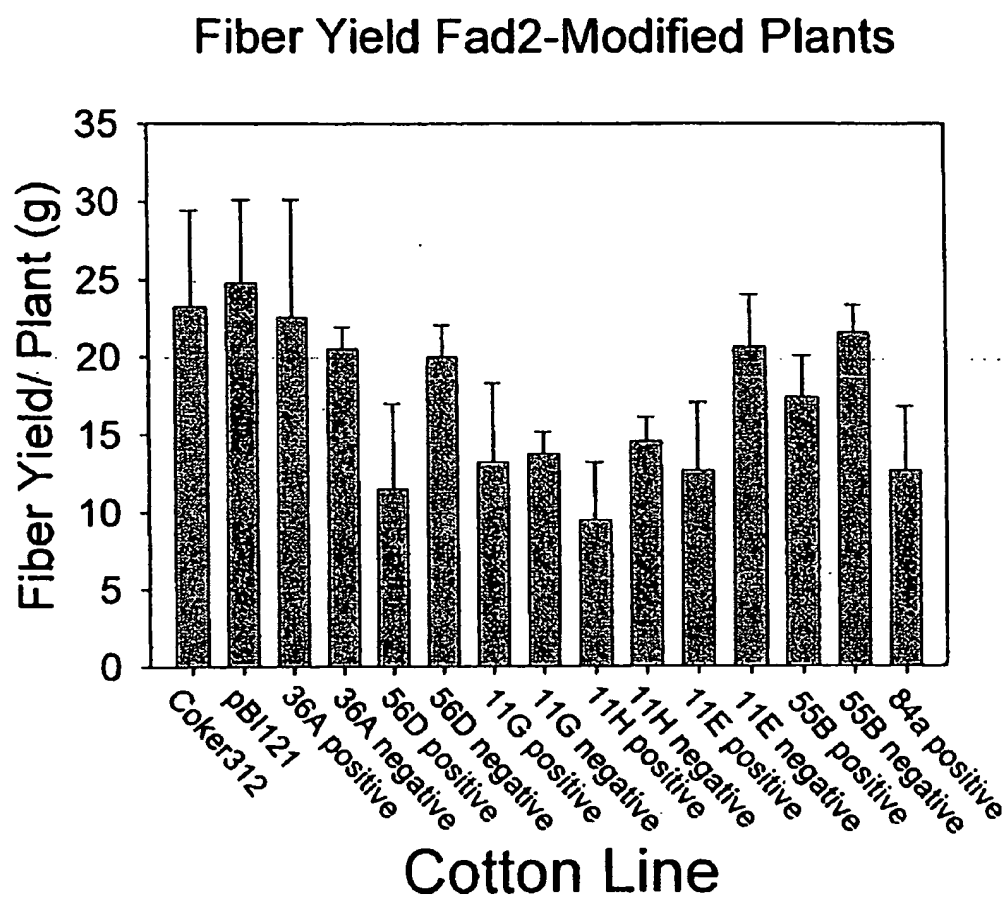
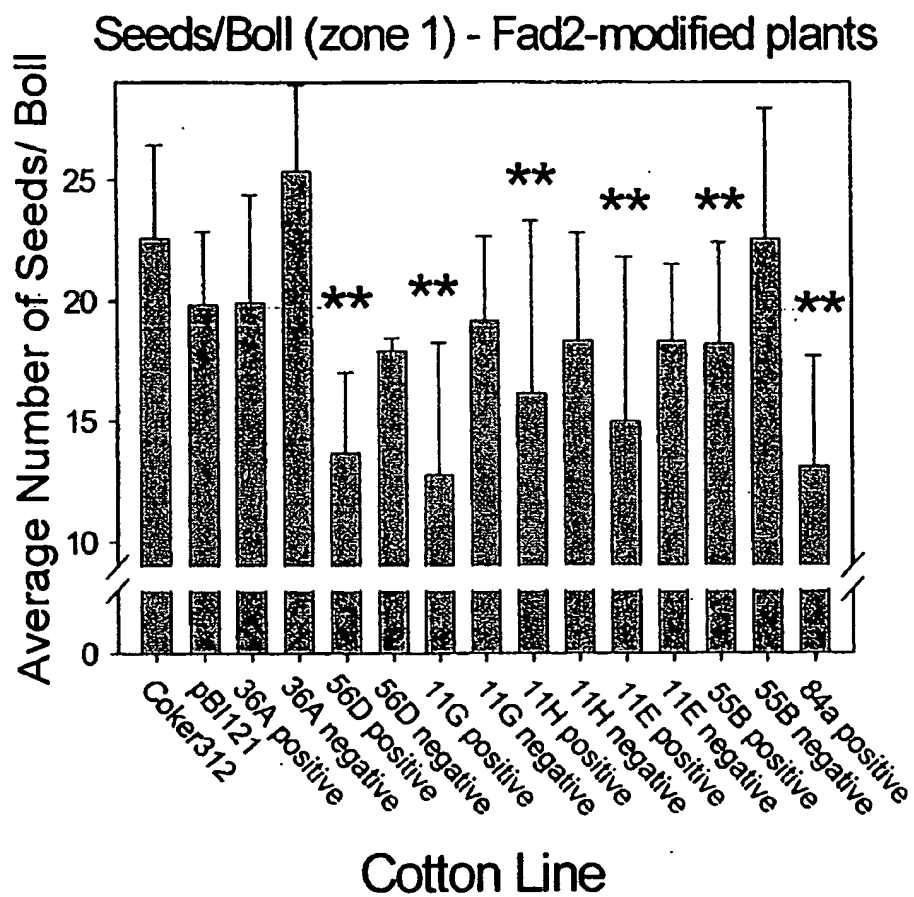


Fig. 10



\*\*  $p < 0.05$  vs null group or Coker 312 control

Fig. 11

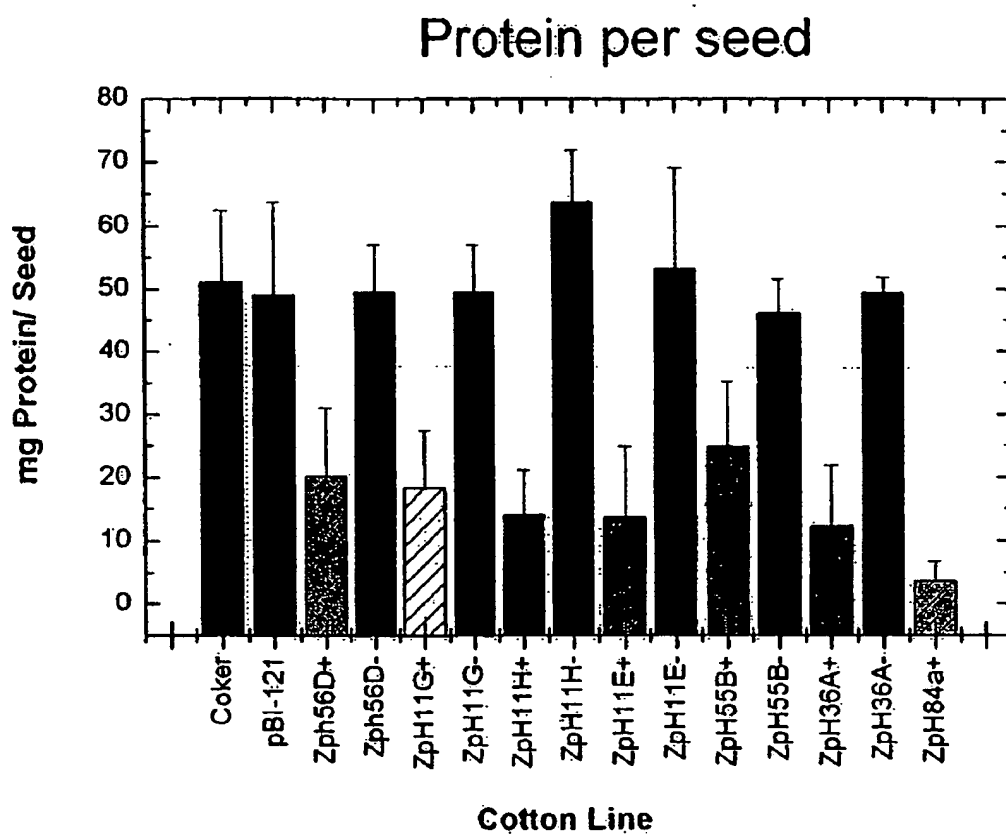


Fig. 12

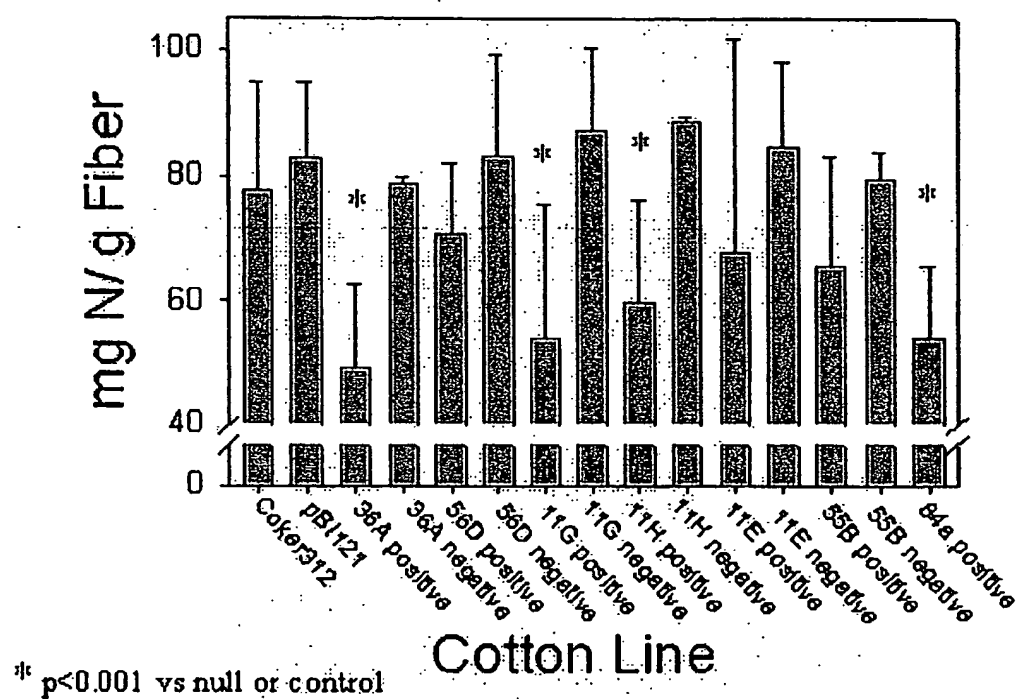


Fig. 13

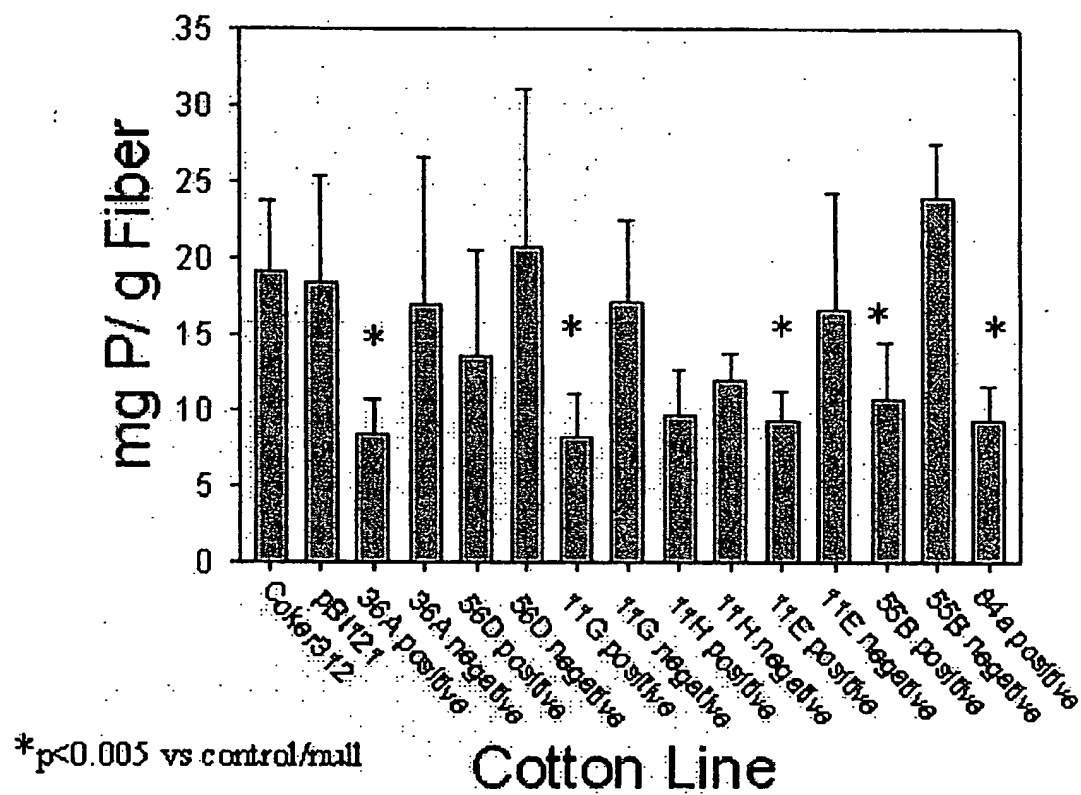


Fig. 14

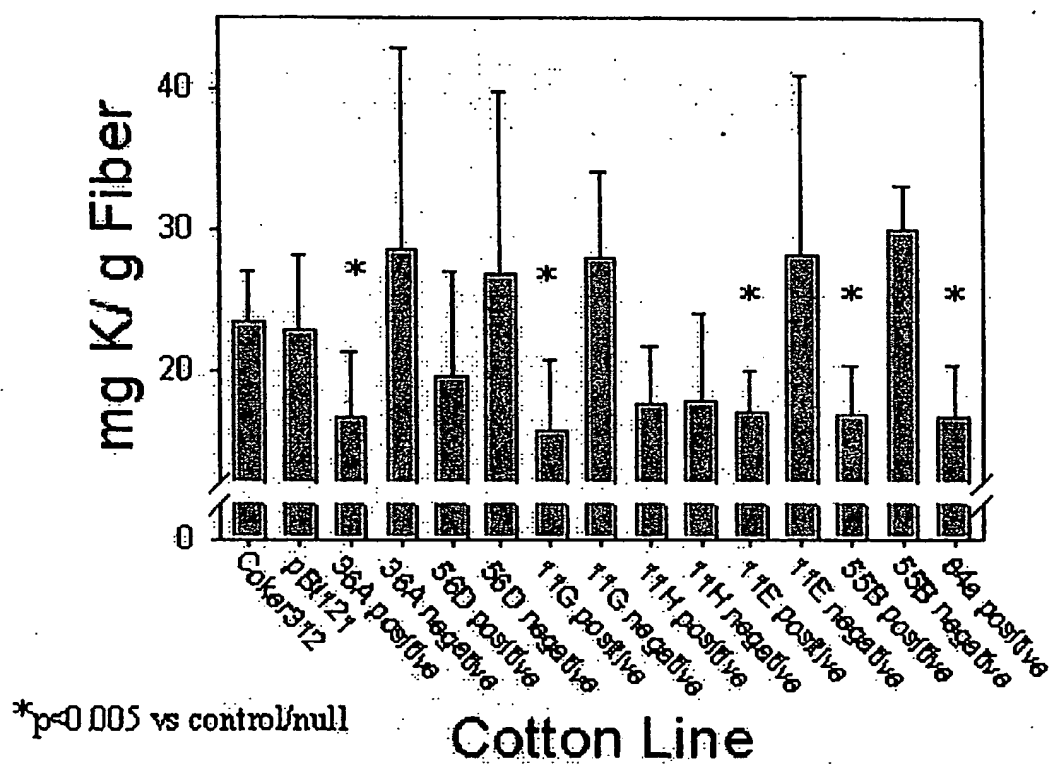


Fig. 15

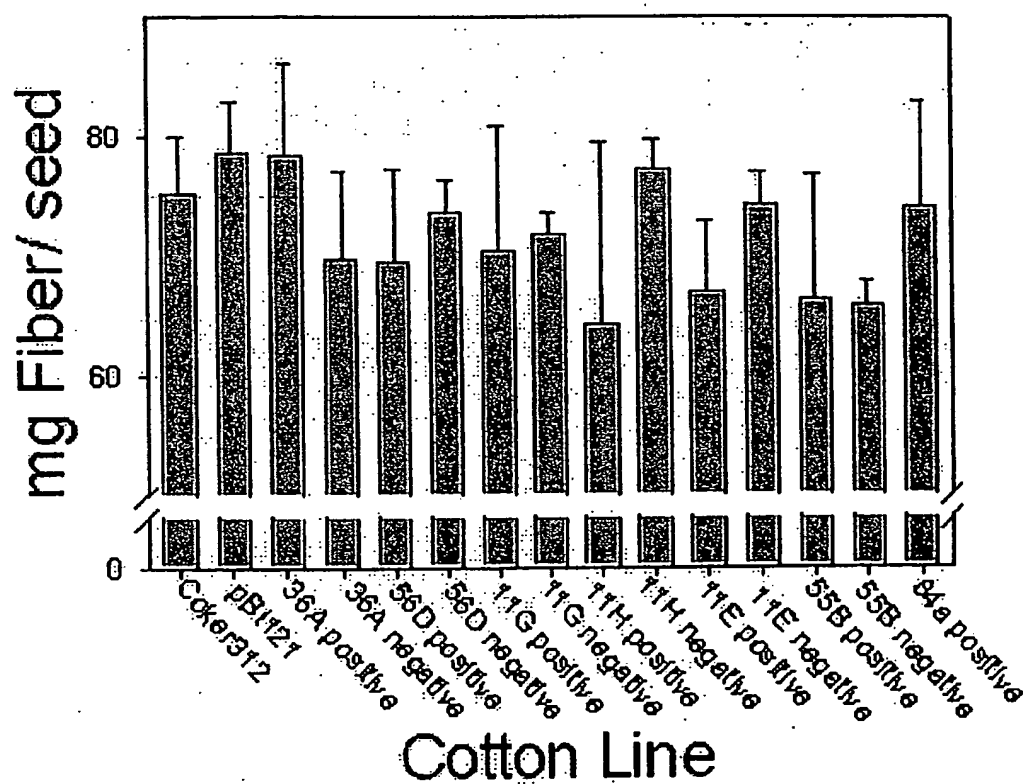


Fig. 16

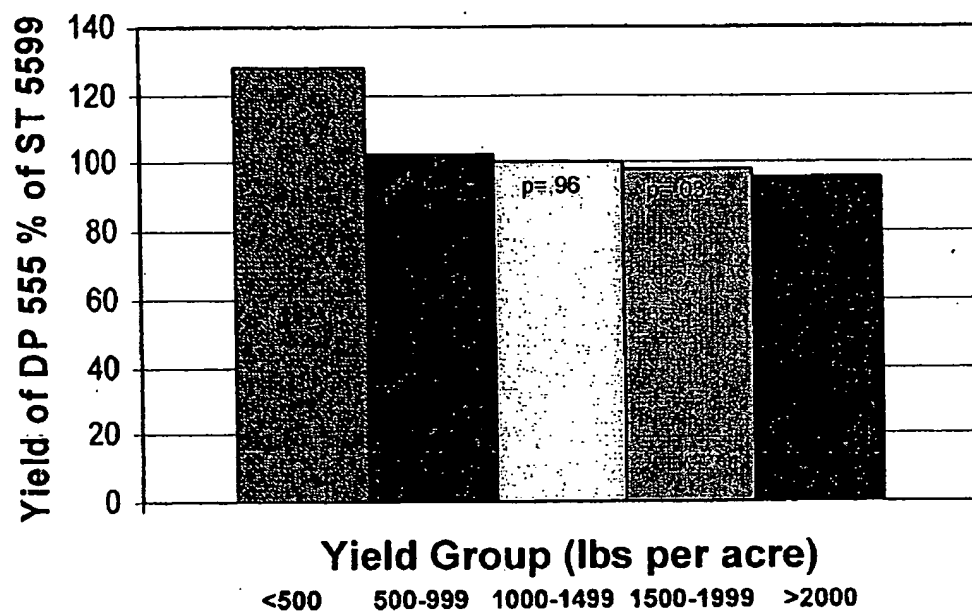
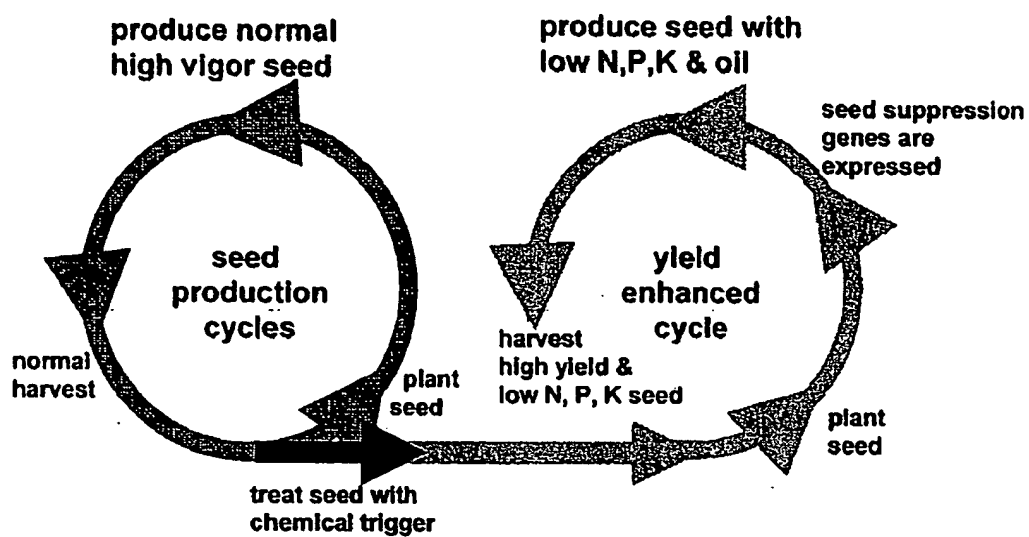




Fig. 17



## METHOD OF ENHANCING QUALITY FACTORS IN COTTON

### CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] This application claims priority to Provisional application Ser. No. 60/688,706, filed Jun. 9, 2005 and to Provisional application Ser. No. 60/781,744, filed Mar. 14, 2006.

### BACKGROUND

#### [0002] I. Technical Field

[0003] This invention relates generally to the field of agriculture and molecular biological modification of crops. Specifically, this invention relates to a method for enhancing quality factors in plants and particularly in cotton (e.g., *Gossypium hirsutum* L., *G. barbadense* L., *G. arboreum* and *G. herbaceum*). In preferred embodiments, the invention involves generating transgenic cotton plants that contain genetic systems to suppress seed-oil, protein and/or macronutrients, such as nitrogen (N), phosphorous (P) and potassium (K) in cotton seed. These preferred embodiments involve producing transgenic cotton plants that contain within their genomes genetic systems that modulate, suppress or deactivate the storage systems for oil, protein, phytate and/or macronutrients when a plant is grown to produce fiber. Particular preferred embodiments provide a method for generating transgenic cotton plants that contain a dominant negative allele for an endoplasmic reticulum located protein, which provides cotton plants with lower seed storage reserve content, increased fiber yields and reduced need for macronutrients.

#### [0004] II. Description of the Background Art

[0005] Fiber yield enhancement using traditional plant breeding techniques has been an important objective of cotton breeding. As a result of intense breeding selection for genetic improvements in fiber yield, the genetic contribution to fiber yield and lint percent (ratio of fiber to fiber-plus-seed) has increased during the last 50 years. Transgenic technology provides new opportunities to accelerate the genetic yield gain beyond those possible using traditional methods because this technology can alter the metabolic machinery of the plant. Efforts to enhance fiber yield in cotton with transgenic technology have involved, for example, manipulating plant hormones and stress and disease tolerance. Other methods for enhancing cotton yield have been reported by Hake et al., U.S. Published Patent Application 2004/0133944 and Lauterback et al., "Yield enhancement in cotton," in *Genetic Control of Cotton Fiber and Seed Quality*, Cotton Incorporated, Cary, N.C., 2000. Transgenic technologies, such as sense suppression, anti-sense suppression and RNA interference methods, have been used to modify seed constituents in cotton. Seed oil modification in cotton for altering fatty acid profiles has been an active area of research. See Chapman et al., *J. Am. Oil Chemists Soc.*, 78:941-947, 2001; Liu et al., *Plant Physiol.* 129:1732-1743, 2002.

[0006] Yield enhancement technology in field crops has been an active area in plant biology research. However, in cotton the complexity and uniqueness of the harvestable product, bolls of cotton fiber, has provided special chal-

lenges. Modern chemical and biotechnological technologies for managing insect pests, combined with reduced season-length production strategies, have improved the percent boll set and the rate of sucrose utilization in fiber development in cotton. However, methods are still needed to further improve cotton plant qualities, including fiber yield enhancement, and other plant characteristics that increase the efficiency of cultivation of this important crop.

[0007] It is generally understood by those of skill in the art of plant cultivation, that cotton requires lower inputs of fertilizers than other commercial crops. This is in part due to the temporary storage in leaves of mineral nutrients needed by cotton seeds as they develop. In addition, cotton fiber is largely cellulose. Thus, input of significant amounts of macronutrients to the plant prior to anthesis and boll filling is required which results in the temporary storage of macronutrients in leaves and the resulting elevated nutrition for insect pests feeding on preanthesis cotton leaves.

[0008] Nevertheless, mineral nutrients in the soil where cotton is grown do become depleted, and the application of commercial fertilizers is eventually required, particularly where cotton is grown in rotation with other commercial crops such as corn, ground nuts, cassava, millet, rice and grain legumes. In developing countries resources needed to purchase fertilizer could be diverted from those available for essential human needs such as shelter, medicine, food and education.

[0009] Advances in agricultural technology have provided new plant varieties that require reduced tillage of the soil. However, reduced tillage also results in the reduced availability of macronutrients. This is particularly true where plant debris or litter remaining after harvest is not tilled or plowed back into the soil. A recent study has shown that approximately 46% of the nitrogen from cotton litter is released into the soil during the four month period after it is incorporated or plowed under in a field. Only about 19% is released when no-till methods are used. (See Lachnicht et al., 2004). Thus, application of increased amounts of fertilizer or elevated soil nutrient availability is required for no till crop rotations.

[0010] The availability of new varieties of cotton that require lower amounts of fertilizer would further improve the efficiency of cultivation methods, particularly in developing countries where resources are scarce. Thus, new varieties with traits that provide reduced levels of stored mineral macronutrients are desired.

[0011] The need for the addition of the macronutrient phosphorous back to the soil results in part from the accumulation of phytate (phytic acid or inositol-hexaphosphoric acid) in seed. In plants phytate is metabolized into inorganic phosphate, which is utilized in energy transfer. However, non-ruminant animals do not efficiently metabolize phytate. Phytates from seeds used in animal feeds can contaminate manure and be leached into streams, lakes and oceans where microbial degradation of the compound releases phosphate, which in turn can lead to algal growth and eutrophication (anaerobiosis, oxygen deprivation) of bodies of water. (See Ferber 2004; Leigh 2004.) Phosphate and nitrogen runoff from agriculture in the central United States into rivers and the Gulf of Mexico is recognized as a major source of eutrophication of the fish habitat in those bodies. Thus, plants and methods for producing those plants with decreased storage of phosphorus in the form of phytate are desired.

## SUMMARY OF THE INVENTION

[0012] Accordingly, this invention relates to a method of generating cotton plants with improved qualities, such as increased fiber yield and reduced nutrient requirements. In one embodiment the invention provides a method for introducing a transgene, for example a chimeric gene, into cotton plants to increase the supply of nutrients available for plant vegetative growth and development of plant products.

[0013] In a further embodiment a chimeric gene is introduced into cotton plants to increase the supply of sucrose available for vegetative growth and for development of fiber during the boll-filling phase of growth. In one preferred embodiment the chimeric gene comprises a negative dominant allele of a native gene that provides a function which directly effects production of a desired product such as fiber yield and/or specific nutrient requirements in a plant.

[0014] In another embodiment, a chimeric gene is introduced into cotton plants to decrease the storage of protein, phytate and/or mineral nutrients such as nitrogen, phosphorous and potassium. In this embodiment the transgenic plants require less nutrients from the soil. Moreover, more nutrients will be available for sustained fiber development and for vegetative growth of the plant.

[0015] In another embodiment, the invention provides a method of increasing fiber yield in a cotton plant that comprises inserting, into a cell of the plant, a transgene, the expression of which reduces the activity of one or more enzymes that function in oil production in cottonseed, and regenerating a whole cotton plant from the transformed cell. In preferred embodiments, the transgene comprises a nucleic acid sequence coding for an enzyme selected from the group consisting of carbonic anhydrase, acetyl-CoA carboxylase, fatty acid desaturase, lysophosphatidic acid acyltransferase, diacylglycerol acyltransferase, phospholipid: diacylglycerol acyltransferase and  $\beta$ -keto-acyl carrier protein synthase II. Most preferred transgenes code for dominant negative alleles of a gene encoding an endoplasmic reticulum located protein, for example a mutant delta-12 fatty acid desaturase (FAD2) gene. A mutant canFAD2 gene of canola is most preferred.

[0016] In preferred embodiments, the transgene is operably linked to a seed-specific promoter that has negligible to nil expression in anthers and pollen, most preferably the  $\alpha$ -globulin promoter of cotton. In further embodiments the linkage between the transgene and the promoter is convertible from an inoperable to an operable linkage by the action of a gene switch.

[0017] Another preferred embodiment comprises a method of increasing fiber yield, which comprises inserting into a cell of a cotton plant, a chimeric gene comprising the  $\alpha$ -globulin promoter of cotton and a nucleic acid sequence coding for a mutant canola FAD2 gene, expression of which reduces expression or activity of enzymes of oil production in cottonseed, and regenerating a whole plant from the transformed cell.

[0018] In another preferred embodiment, a series of DNA elements that allow an exogenous stimulus to turn on expression of a transgene in a plant cell where expression of that transgene reduces the activity of one or more enzymes that function to regulate seed-oil and/or protein production or to reduce storage of macronutrients in seed are inserted into a plant cell.

[0019] In a further preferred embodiment, whole plants are regenerated from the transformed plant cells. Plants having a gene switch system which controls expression of a gene that suppresses seed-oil, protein, phytate and/or macronutrients allows a plant breeder or farmer to activate expression of this desired trait only in a plant generation where commercial fiber production is desired, thus maximizing the metabolic and nutrient resources available for plant fiber production. This embodiment finds particular use where the transgene introduced to provide increased nutrient resources for fiber production causes undesired effects on the properties and germination ability of seed. Thus, a crop of cotton can be grown to produce seed, those seed can be planted and resulting plants grown to produce a generation of plants for fiber production. The transgene or transgenes for increasing nutrient resources are turned on by the application of an exogenous stimulus by gene switches that are known to those of skill in the art.

[0020] Thus, in an additional preferred embodiment the present invention relates to a system for suppressing the accumulation of seed-oil, for example, triacylglycerol, in cotton seeds by introducing a transgene into a plant suppresses the accumulation of seed-oil where expression of that gene is controlled by an exogenous gene switch. In additional embodiments the transgene suppresses the accumulation of stored protein in cotton seeds and/or the accumulation of phytate and inorganic phosphorous in cotton seeds. It is contemplated that the genes used to produce these quality enhanced plants may be different, or they may be the same. That is, it is contemplated that in some embodiments the introduction of a single transgene will simultaneously suppress the accumulation of seed-oil, proteins and/or phytate. That transgene may also suppress storage of macronutrients in seed. In other embodiments different transgenes may be used to achieve this desired result.

[0021] Additional preferred embodiments provide plants produced according to the methods described above.

## BRIEF DESCRIPTION OF THE FIGURES

[0022] FIG. 1 is a diagram of a binary vector, pZPhM-CFd2, for use in cotton transformations, which contains a mutant canola FAD2 gene.

[0023] FIG. 2 is a diagram of a binary vector without a FAD2 sequence, designated pB1121-1.

[0024] FIG. 3 is a micrograph of cross sections of cotyledon from (A) high oil (21% w/w) and (B and C) low oil (4% and 2% w/w) seeds stained and visualized by conventional bright-field microscopy.

[0025] FIG. 4 is a micrograph of cross sections of cotyledon from (A) high oil (21% w/w) and (B and C) low oil (4% and 2% w/w) seeds stained and visualized by conventional transmission electron microscopy.

[0026] FIG. 5 provides correlation results for total lipid content and oleic acid content (% by weight) in transformed seed. Seeds were selfed progeny from primary transformants (T0 individuals).

[0027] FIG. 6 provides mean seed oil content (% by weight) for transgenic FAD2 expressing and non-expressing plants. Seeds were selfed progeny from T1 individuals.

[0028] FIG. 7 provides mean seed lint percent (100×grams lint/grams lint+grams seed) for transgenic FAD2 expressing and non-expressing plants. Seeds were selfed progeny from T1 individuals.

[0029] FIG. 8 provides mean seed index (grams per 100 delinted seeds) for transgenic FAD2 expressing and non-expressing plants. Seeds were selfed progeny from T1 individuals.

[0030] FIG. 9 provides mean fiber yield (grams per plant) for transgenic FAD2 expressing and non-expressing plants. Seeds were selfed progeny from T1 individuals.

[0031] FIG. 10 provides average number of seeds/boll for FAD2-modified plants. Seeds were selfed progeny from T1 individuals.

[0032] FIG. 11 provides total seed protein per seed harvested from FAD2 PCR positive and PCR negative T1 plants.

[0033] FIG. 12 provides total seed nitrogen (N) per mass of fiber harvested from FAD2 PCR positive and PCR negative T1 plants.

[0034] FIG. 13 provides total seed phosphorus (P) per mass of fiber harvested from FAD2 PCR positive and PCR negative T1 plants.

[0035] FIG. 14 provides total seed potassium (K) per mass of fiber harvested from FAD2 PCR positive and PCR negative T1 plants.

[0036] FIG. 15 provides total lint fiber mass per seed harvested from FAD2 PCR positive and PCR negative transgenic T1 plants.

[0037] FIG. 16 provides fiber yield ratio for a low oil cotton variety (DP 555 BG/RR) and a high oil cotton variety (ST 5599 BG/RR).

[0038] FIG. 17 is a cartoon of the seed production generation and fiber production generation cycles of plants made according to the methods disclosed herein.

#### DETAILED DESCRIPTION OF THE INVENTION

[0039] Cotton seeds typically are composed of about 3.5% w/w starch, 20% w/w oil and 20% w/w protein. Stored seed-oil is predominantly (97%) triacylglycerol (TAG) derived from linoleic (18:2), palmitic (16:0) and oleic (18:1) fatty acids. The present inventors have discovered that the resources needed for the biosynthesis of oil and protein in cotton, including sucrose, reduce the supply of transportable carbon available for biosynthesis of fiber and for additional vegetative growth. Without being limited by any theory as to how reducing oil and protein limits biosynthesis of fiber and additional growth, this is thought to occur because phloem-transported carbon ultimately is the primary metabolic resource for seed-oil (primarily TAG), protein and cotton fibers, and because utilization of sucrose for production of fiber, protein and oil coincide temporally on a whole plant level.

[0040] Although cumulative cellulose deposition within a boll precedes peak oil and protein accumulation by approximately 15 days; oil, protein and cellulose accumulate concomitantly in the whole plant. When compared with the

biosynthesis of cellulose from sucrose, the seed oil TAG biosynthetic pathway and protein biosynthetic pathway are energetically inefficient. As a result of relative sucrose depletion during boll maturation, new vegetative tissue and fiber development ceases during the period referred to as "cutout" (Kerby et al., 1993). Cutout is the stage of cotton plant growth when new monopodial nodes cease to be accumulated. Thus, fiber yield is curtailed directly, due to the diversion of sucrose to oil and protein biosynthesis, and indirectly, due to the decline in photosynthesis and soil nutrient uptake that results from the aging of the leaf and root tissues when new shoot and root production slows. Wullschlegel and Oosterhuis, *Crop Sci.* 30:1259-1264, 1990; Kerby et al., University of California, Division of Agriculture and Natural Resources, Oakland, Calif., 1987.

[0041] In one embodiment the present invention provides a method for expanding sucrose supply for fiber development in a plant. In the method a dominant negative allele of a gene that functions to suppress TAG and protein biosynthesis in cottonseed is introduced into the plant. This gene may function to delay cutout, promote root expansion, sustain photosynthesis and sustain soil nutrient and/or water uptake or to affect other plant metabolic processes which ultimately impact expression of a desired trait, such as increased fiber production or reduced nutritional requirements. Since TAG and protein require substantially more metabolic energy to produce than cellulose and the mass of seed is greater than the mass of fiber, only a slight reduction in TAG and protein can result in an economically significant increase in fiber yield.

[0042] Extreme limitation of seed-oil and seed-protein, however, can limit seedling growth and ultimately result in poorer yield because seed-oil and seed-protein are needed in the developing cotton seedling as a source of energy, carbon and macronutrients for new growth. Thus, seed-oil and seed-protein suppression in a cultivar designed to produce more fiber preferably is controlled or regulated by a plant gene expression system which permits production of a seed crop without seed-oil suppression. The gene expression system allows these viable seeds to produce a commercial fiber crop with maximum enhancement of fiber yield. Thus, the methods of the present application allow cotton farmers to plant vigorous seed and harvest higher fiber yield, since the supplies of sucrose not diverted to TAG or storage protein would be used by the plant to produce fiber.

[0043] An important reaction in the biosynthesis of cottonseed oil, which can be targeted for down-regulation by a dominant negative allele transgene is catalyzed by Fatty Acid Desaturase (FAD). Fatty Acid Desaturase (FAD) enzymes introduce double bonds at specific positions along the saturated acyl fatty acid chain of specific fatty acids. FAD2 is an endoplasmic reticulum membrane-localized FAD that introduces a double bond into oleic acid at the delta-12-carbon position to generate linoleic acid. Fatty acids are desaturated in the endoplasmic reticulum of cottonseeds, then incorporated into TAG prior to being compartmentalized in oil bodies. Because FAD2 is co-localized in the endoplasmic reticulum with several other lipid and protein body biosynthetic enzymes, the activities of these co-localized enzymes may also be impaired, along with the activity of FAD2, by introducing a mutant FAD2, thereby reducing the efficiency of seed oil and/or protein accumulation and increasing the potential for enhanced fiber yield.

[0044] Embodiments of the present invention provide genetic methods to reduce seed protein and thereby provide additional resources for the production of cotton fiber. In some preferred embodiments these methods do not interfere with growth of the vegetative plant, the embryo, seed coat and fiber. Thus, reduction of seed protein can be achieved by the use of highly regulated, seed-specific promoters that do not express in the seed coat, anthers or fiber tissues, such as  $\alpha$ -globulin promoter (AGP) developed by Sunilkumar, 2002; or by the use of other promoters that are known to be uniquely active during the seed maturation phase of development that is focused on reserve accumulation and the acquisition of desiccation tolerance in the embryo, such as globulins, albumins, oleosins, LEAs (late embryogenesis proteins) (Dure and Galau, 1981, Dure et al., 1981).

[0045] In one embodiment the reduction of stored protein can be achieved by down regulating enzymes responsible for amino acid biosynthesis, transport or incorporation into protein. However, these methods will most likely interfere with embryo development and fiber production. In addition, suitable enzymes must be carefully chosen such that normal seed coat function is maintained until cotton fibers mature. Suitable targets include transcriptional and post transcriptional down regulation of protein body biosynthesis and assembly.

[0046] With a reduction in seed protein body, the nutritional value for seed feeding insect pests, such as *Hemiptera* species in the *Pentatomidae* and *Miridae*, is degraded resulting in reduced preferential feeding and insect growth rates. In addition, pre-anthesis plants can be maintained at a reduced leaf N status relative to normal seed protein body plants such that leaf photosynthesis is not impaired by low leaf N, yet the nutritional value of cotton leaf in the diet of pest insects is impaired. To avoid a reduction in leaf photosynthesis, leaf N should be maintained above 4% N (w/w dry weight) or 2.5 SLN ( $\text{g N m}^{-2}$ ) as calculated from Milroy and Bange 2003 and Bondada and Oosterhuis 2001. With regards to Silverleaf Whiteflies (Bi et al., 2000), reduced applications of N fertilizer resulted in no significant reduction in leaf photosynthesis until boll filling, yet provided significant reduction in the Whitefly nymph population and the number of honeydew drops per whitefly. Since high N fertilization increases canopy photosynthesis during the boll maturation period, it is logical to expect that a reduction in the N utilization in the seed should maintain canopy photosynthesis at a higher level (Milroy and Bange, 2003; Bi et al., 2000; Bondada et al., 2001).

[0047] As used in this specification, the term "gene" refers to a segment of DNA which encodes a specific protein or polypeptide, or RNA, and which may comprise a regulatory element. A "chimeric gene" is a gene constructed from parts of two or more different genes, for example a coding sequence for a protein linked to a promoter from a different gene. A "transgene" is a native or mutated gene which is artificially transferred into a cell or organism, and may include a chimeric gene. The term "fiber enhancement gene" refers to any gene the expression of which can result in enhanced fiber production in the bolls of cotton plants expressing the gene. The term "dominant negative allele" generally refers to a mutant or native gene that, when expressed, interferes with the function of a normal gene product or a normal protein complex.

[0048] Dominant negative alleles or traits are ones that modify the primary structure of a protein to introduce physical changes in the structure of a protein that affect an entire system of enzymes that work together. As the term is used with respect to this invention, any gene that can interfere with an endogenous gene product or group of gene products that work together, through physical/structural changes, is considered to have a dominant negative allelic effect and to be a dominant negative allele, whether actually mutated or not.

[0049] Dominant negative allele proteins include proteins with similar amino acid sequences to an endogenous protein, but which are rendered non-functional or less functional by a change or changes in the amino acid sequence. When the dominant negative allele interacts with the complex which the corresponding endogenous protein interacts, the efficiency of the complex is reduced. Thus, the term includes proteins and fragments thereof found in nature that are not native to the plant in which they are expressed, but which function in the manner of a dominant negative allele due to their lack of homology with the native proteins, when present. Also included are proteins encoded by nucleic acid sequences that are modified using the techniques of molecular biology to produce dominant negative alleles.

[0050] A dominant negative allele can be identified as a mutation or change in an active site of a protein, for example an enzyme binding site or a receptor ligand binding site of a protein. An addition of a binding site or other domain or mutation which makes the affected complex non-dissociable and non-functional also can be identified as a dominant negative allele according to an embodiment of the present invention. Thus, expression of the "dominant negative allele" interferes with the function of an endogenous gene product or one or more of a homomeric enzyme, a heteromeric enzyme or a physical region of enzymatic activity.

[0051] Dominant negative alleles of proteins associated with lipid biosynthesis and storage may be used according to the present invention as fiber enhancement genes. Expression of heterologous genes that provide a dominant negative allelic effect on fatty acid biosynthesis can reduce oil production and enhance fiber production. These genes can include those that synthesize unusual fatty acids not normally found in cotton, such as short chain fatty acids, medium-chain fatty acids, hydroxy fatty acids, epoxy fatty acids, conjugated fatty acids or acetylenic fatty acids. Expression of these genes in a heterologous host, such as cotton, can impact total oil accumulation by making gene products which interact with endogenous protein machinery and reduce the optimal synthesis and packaging of seed oil. The seed-specific synthesis of any protein, whether an enzyme or a structural protein, that interferes with the proper synthesis, assembly and packaging of seed oil (consistent with a dominant negative allelic effect) will provide the plants with additional resources to allocate to fiber production.

[0052] Fiber enhancement genes include genes that exhibit a dominant negative allelic effect that eliminates, blocks, interferes with, prevents, or otherwise reduces the biosynthesis of seed oil in the cotton plant. Fiber enhancement genes may include, for example, dominant negative alleles of carbonic anhydrase, acetyl-CoA carboxylase (ACCase), lysophosphatidic acid acyltransferase, diacylg-

lycerol acyltransferase, phospholipid: diacylglycerol acyltransferase (PDAT),  $\beta$ -keto-acyl carrier protein synthase II (KASII), caleosin, oleosin and others.

[0053] In preferred embodiments of this invention, an FAD2 gene that acts as a dominant negative allele to disrupt the endoplasmic reticulum-localized metabolic processes is used to construct a chimeric gene that can be inserted as a transgene into a cotton plant. For example, an FAD2 allelic gene that converts oleic acid to linoleic acid and thereby alters production and incorporation of TAG in lipid bodies can be used. Due to the physical proximity of several lipid biosynthetic complexes in the endoplasmic reticulum, dominant negative allele FAD2 genes can operate to eliminate or reduce the amount or activity of more than one lipid biosynthetic enzyme. Modifications to the secondary structure and/or tertiary structure of an enzyme or other protein, created by one or more dominant negative alleles, can alter the quaternary structure of a physically associated group of enzymes and thereby impair the function of the physically associated enzymes, including enzymes important to lipid and protein biosynthesis and storage.

[0054] In further embodiments of the present invention, enzymes involved in seed oil production, such as carbonic anhydrase, ACCase, lysophosphatidic acid acyltransferase, diacylglycerol acyltransferase, PDAT, KASII, caleosin, oleosin and others as discussed above are inserted into plant cells. Plants transgenic for a preferred mutant FAD2 gene or another gene, as a dominant negative allele, produce increased fiber.

[0055] Nucleic acids encoding fatty acid desaturase enzymes are known to those of skill in the art. For example, U.S. Pat. No. 6,372,965 discloses the sequences of cDNAs that encode microsomal FAD2 from *Arabidopsis thaliana*, *Brassica napus*, soybean (*Glycine max*), corn (*Zea mays*) and castor (*Ricinus communis*). Allelic variants of these genes can be identified readily in native cotton plants using techniques known to those of skill in the art such as nucleic acid hybridization. Allelic variants also can be generated by either random or site-directed mutagenesis using strategies known to those of skill in the art of plant molecular biology. Dominant negative alleles can be identified in either transformed T0 embryogenic tissue, T1 seed produced from T0 plants or subsequent seed generations by selecting transformed lines with either impaired lipid biosynthetic enzymes or altered lipid profiles and with reduced seed oil content. Strategies for identifying dominant negative alleles are known to those skilled in the art, which can be easily adapted to optimize the embodiments of the present invention.

[0056] Preferably, the transgenes (chimeric genes) for use in the inventive methods will have seed-specific promoters that have negligible activity in non-seed tissue to allow full pollen viability, minimize the chance for metabolic disruption in non-seed tissues and lessen the metabolic cost associated with constitutive expression or over-expression of the transgenic protein. Because TAG is required for pollen viability, transgenes preferably are expressed in pollen only at low levels and most preferably are not active or have negligible activity in pollen so as not to affect pollen viability. The alpha globulin promoter of cotton is most preferred. See Sunilkumar et al., *Transgenic Res.* 11:347-359, 2002; Hsieh and Huang, *Plant Physiology* 136:3427-3434, 2004.

[0057] Any plant-active seed-specific promoter useful to express the transgene in seed tissue of the plant may be used, however, such as constitutive or inducible promoters. Many such promoters are known in the art and can be adapted for use by the skilled artisan. Typically, a promoter is located in the 5' region of a gene, proximal to the transcriptional start site of a structural gene. A plant-active promoter can be of viral, bacterial, fungal, animal, or plant origin. The term "plant-active promoter" refers to a DNA sequence that directs the transcription of an operably linked DNA sequence in a plant cell.

[0058] A "constitutive promoter" is a plant-active promoter that affects the transcription of a DNA sequence, irrespective of temporal, developmental, hormonal, chemical or environmental conditions, for example in the absence of a traditional ligand. An "inducible promoter" is any promoter that is activated by the application of, or exposure to, an external stimulus. The external stimulus can be chemical, environmental (physical), or biological in nature. An "enhancer" is a DNA regulatory element that can increase the efficiency of transcription or confer tissue specificity. An enhancer may be located at any distance or orientation relative to the start site of transcription and is optionally used with the transgenes of this invention.

[0059] The coding sequence and the promoter of a chimeric gene are operably linked if they are on the same strand of DNA, in the same orientation, and located relative to one another such that the promoter is capable of directing transcription of the coding sequence. The chimeric transgene also may have an intervening or blocking DNA sequence within the promoter or between the promoter and the coding sequence, which prevents the coding sequence from being expressed. The blocking sequence is a DNA sequence that blocks the promoter's activity with respect to expression of the coding sequence of the chimeric gene. A specific excision sequence is a DNA sequence that is recognized by a site-specific recombinase, which is an enzyme that removes or otherwise alters DNA between specific excision sequences. The term "gene switch" refers to a set of genetic elements that when treated with appropriate external conditions can cause a promoter and coding sequence to be either operably linked or operably unlinked, as is generally understood in the art.

[0060] An option for regulation of the transgene in transgenic plants produced by the methods of this invention is to place activation of the transgene under the control of a system that is activated by application of an external stimulus. To effect this regulation, the fiber enhancement gene may be operably linked to an inducible promoter that can respond to an external stimulus, for example the promoter from the ACE1 system, which responds to copper; the promoter of the maize intron 2 gene, which responds to benzenesulfonamide herbicide safeners; the promoter of the Tet repressor from Tn10; the phosphate-deficiency responsive promoter from a phosphate-starvation responsive beta-glucosidase gene from *Arabidopsis*; the ethanol-inducible promoter of *Apergillus nidulans*; the synthetic promoter containing a 235 bp sulfur deficiency response element from a soybean  $\beta$ -conglycinin gene linked to a 35S core promoter sequence or any other suitable promoter known to those of skill in the art of plant molecular biology.

[0061] Inducible promoters that respond to an inducing agent to which plants do not normally respond are particu-

larly useful; however, any inducible plant-active promoter may be used in this invention. An exemplary preferred inducible promoter is the inducible promoter from a steroid hormone gene, the transcriptional activity of which is induced by a glucocorticosteroid hormone or the chimeric transcription activator, XVE, for use in an estrogen receptor-based inducible plant expression system activated by estradiol. See Zuo et al., *Nat. Biotechnol.* 19:157-161, 2001, the disclosures of which are hereby incorporated by reference. Using this type of system, the transgenic plant or its developing seed is treated with the specific activator when activation of the fiber enhancing gene is desired. The chimeric transgene is expressed as long as the activating chemical is present in the cells of the plant. Therefore, activation of the transgene generates transient pools of sucrose in the resultant cottonseed that are available to stimulate production of commercially valuable cotton fibers.

[0062] By controlling the expression of genes that affect the seed-oil and/or protein content of a seed, it is possible to grow plants under one set of conditions or in one environment where it is advantageous to not express the transgene in the seed, then to alter the environment directly, or indirectly by moving the plant or its seed to another set of conditions or another environment where the expression of the transgene is desired.

[0063] Seed-specific promoters are preferred. The term "seed-specific promoter" refers to any plant-active promoter that is either active exclusively in the plant seed or active in the plant seed and to a lesser degree other plant tissues. A seed-specific promoter may be a promoter native to seed tissue or may comprise a core plant-active promoter of plant, viral, bacterial, fungal, or animal origin with a seed tissue-preferred regulatory region that directs a higher level of transcription of an associated gene in seed tissues than in some or all other tissues of a plant. Seed-specific promoters also can include promoters with one or more enhancer elements that confer upon the promoter (of any origin) specificity for seed tissue expression. One such promoter is the phaseolin promoter from bean. An especially preferred promoter is the recently identified  $\alpha$ -globulin promoter (AGP) from cotton. See Sunilkumar et al., *Transgenic Res.* 11:347-359, 2002, the disclosures of which are hereby incorporated by reference.

[0064] Expression of the transgene may create too little or too much suppression of oil biosynthesis for optimal fiber enhancing effect. Thus, it may be necessary in some embodiments of the invention to perform multiple insertion events. Adjustment of expression levels by this method by adjusting the promoter and/or enhancer used is considered routine to those of skill in plant molecular biology and is contemplated for use with the invention.

[0065] If suppression at multiple sites in the TAG biosynthetic pathway are desired to achieve maximum fiber yield enhancement while maintaining a supply of fatty acids for normal seed development, dominant negative allele inhibition sequences can be operably linked to one promoter according to known methods. See, for example, Abbott et al., *Plant Physiol.* 128:844-853, 2002. To achieve the highest level of fiber yield enhancement from cottonseed oil suppression while maintaining sufficient seed vigor, expression of the transgene preferably is regulated in various generations of plants that are produced for planting seed or

for fiber production. A suitable method is to regulate gene expression using an excisable block between a late embryo-genesis activated (LEA) promoter and a seed germination inhibitor. See Oliver et al., U.S. Pat. No. 5,723,765, the disclosure of which is hereby incorporated by reference in its entirety. By replacing the LEA promoter with the AGP promoter and the seed germination inhibitor with dominant negative allele genetic elements that inhibit TAG biosynthesis, this mechanism may be used in an embodiment of the invention to generate high vigor cotton seed which produce plants with enhanced fiber production. Seed produced from these fiber production plants are viable but low in TAG and thus have reduced capacity to establish a seedling under field conditions.

[0066] Cotton plants that may benefit most from the advantages conferred by the methods of this invention are *Gossypium hirsutum*, *G. barbadense* and *G. arboreum*, because these species produce oil, protein and commercially valuable fiber. Especially preferred varieties and hybrids include those that generate and retain to anthesis an excess of fruiting sites, but subsequently either abort or only partially mature some of these fruiting sites due to a limited supply of transportable carbon in the phloem. Because there are multiple advantages from reducing transportable carbon use for oil/protein biosynthesis and storage, most cotton fiber production systems will benefit. These benefits include enhanced nutrient and water uptake and enhanced tolerance of stress from sources such as soil-borne pathogens, nematodes, compacted soils, acid soils, foliar diseases, infertile soils and insect damage, as well as fiber yield enhancement.

[0067] Methods for inserting foreign genes into the nuclear genome of plants are well known to skilled persons in this art. Numerous plant tissues can be used to prepare transgenic cotton plants, including hypocotyl, petiole, root, cotyledon, pollen, and others. Sunilkumar and Rathore, *Mol. Breeding* 8:37-52, 2001, the disclosures of which are hereby incorporated by reference, discuss advantageous methods for DNA transfer in cotton. However, any suitable transformation method known in the art can be used with the invention. Insertion methods generally fall into two categories: physical methods such as biolistics, whiskers and electroporation, and biological methods that employ *Agrobacterium tumefaciens* or a virus to enhance DNA insertion.

[0068] Once a desired dominant negative allele gene for fiber enhancement has been inserted into cotton, testing for fiber yield enhancement may be conducted in the plants using traditional methods known in the art of trait selection for transformed and regenerated cotton plants. A method for confirming the expression of the desired trait of fiber enhancement may include direct measurement of fiber in plants with and without the transgene. Alternatively, DNA, RNA, or protein selection for reduced TAG concentration may be measured in callus or regenerated tissue from the plant. TAG concentration is determined for selection in the T0 embryonic tissue, T1 seed (grown on the T0 plant) and/or subsequent seed generations, since the oil suppression trait will be expressed only in seed if a seed-specific promoter is used as is preferred. The resulting fiber yield enhancement provided by the transgenic trait according to the invention may be evaluated in elite germplasm, such as the elite varieties DeltaPEARL, DP 491, DP 444 BG/RR, DP 432 RR and the elite hybrid DPX03N110.

[0069] Methods for assay of TAG and other oils in plants are well known in the art. Any of these methods are suitable for assaying seed oil of plants produced according to the methods of this invention. The desired change in FAD2 expression can be determined by the proportional increase in oleic acid and compensatory decrease in linoleic acid in the seed oil. This can be determined by gas chromatographic analysis of fatty acid methyl esters produced from the total extractable seed lipids according to the methods of, for example, Chapman et al., *J. Am. Oil Chemists Soc.* 78:941-947, 2001. Seed oil content can be estimated gravimetrically prior to transmethylation.

[0070] In preferred methods, the plant-active promoter used to drive the expression of the fiber enhancing gene is a seed-specific promoter, most preferably the cotton  $\alpha$ -globulin promoter (AGP), operably linked to a DNA sequence coding for a mutant FAD2 protein in a synthetic construct. An alternative inducible plant-active promoter used to drive the expression of the site-specific recombinase gene preferably is either the ecdysone or estrogen receptor-based inducible plant expression system. A preferred ecdysone inducible plant expression and recombinase/excision sequence system for use with the inventive method is the GVE system described in Padidam et al., *Transgenic Res.* 12:101-109, 2003. and bacteriophage CRE/LOX system, wherein the CRE protein performs site-specific recombination of DNA at LOX sites as described in Sauer, U.S. Pat. No. 4,959,317, the disclosures of which are hereby incorporated by reference. The preferred fiber enhancing gene is the dominant negative allele canola FAD2 gene.

[0071] Once the desired transgene for protein body or phytate suppression has been transformed into cotton, testing for seed nutrient content and fiber yield enhancement is conducted in plants using traditional methods known in the art of trait selection for transformed and regenerated cotton plants. A method for confirming the expression of the desired trait may include direct measurement of the protein, phytate and phosphorous content of seeds with and without the transgene. Alternatively, DNA, RNA, or protein selection for reduced protein body, phytate or phosphorus concentration may be measured in callus or regenerated tissue from the plant.

[0072] Protein body and P concentration is determined for selection in the T1 and/or subsequent generations, since the protein body and phytate suppression traits will be expressed only in seed if a seed-specific promoter is used as is preferred. The resulting fiber nutrient efficiency and fiber yield enhancement from transgenesis according to the invention is best evaluated in transgenic elite germplasm. Methods for assay of protein, protein body and phytate as well as N, P and K in plants are well known in the art. Any of these methods are suitable for assay in conjunction with this invention. A preferred method is determination of total nitrogen by AOAC 4.2.08 from the Official Methods of Analysis of AOAC International, 17th Edition, 1998; and total P and K by SW-6010B from the USEPA, SW-846, Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, 3rd Ed. Current Revision.

[0073] Due to the simultaneous storage of both oil bodies and protein bodies in the embryo, a strategy for suppression of both oil and protein in seed is the suppression of seed development using transcription factors. Mutations in the

"leafy cotyledon" 1 (LEC1) transcription factor disrupt normal embryo development and maturation in *Arabidopsis* affecting both embryo morphogenesis and reserve accumulation (Kwong et al., 2003). It may be possible to down-regulate APETALA (Jofuku et al., 2005; Ohito et al., 2005) and/or LEC1 in cotton embryos specifically during seed maturation using a cottonseed storage protein promoter ( $\alpha$ -globulin, Sunilkumar et al., 2002) thereby affecting only the stage of reserve accumulation in developing seeds. It is likely that this strategy will disrupt the program of embryogenesis such that viable seeds will not be recovered, necessitating the use of a gene switch as discussed above to turn on the transcription factor only in the plant generation used to produce commercial quantities of fiber.

[0074] Due to the role of the endoplasmic reticulum in biosynthesis and assembly of both oil bodies and protein bodies, a preferred method to achieve a simultaneous reduction in oil, N, P and K in cotton seeds is a dominant negative mutation for an essential gene that functions in the endoplasmic reticulum. ER proteins are synthesized co-translationally (mostly), glycosylated and processed in the ER, so any proteins that participate in this process may be targets for suppression by dominant negative mutation of ER function (and hence oil and protein body formation). These include proteins of, or associated with, the ER-translocator, the glycosyltransferase that transfers high mannose side chains to ER glycoproteins, the suite of molecular chaperones in the ER, including BiP (HSP70), peptidyl-prolyl isomerase (PPI), calnexin, calreticulin, and protein disulfide isomerase (PDI), the proteins associated with ER trafficking machinery, including the multitude of monomeric GTP-binding proteins that function in these pathways, the RABs, ARFs (and ARF-like proteins), dynamins, and SNAREs. Depending on the selection of the protein target to suppress by a dominant negative mutation, either protein bodies or oil bodies may be preferentially reduced. In embodiments where either seed oil or seed protein are desired, this may be a preferred outcome. A dominant negative mutation that preferentially disrupts protein bodies, while leaving oil bodies essentially intact, would be desirable in fertilizer-limited markets that place a high value on cotton seed oil but low value on cotton seed meal.

[0075] Interference with the function of any of these proteins will conceivably disrupt the correct function of the endomembrane system and result in poor efficiency of N, P and K reserve accumulation. Although not wishing to be bound by any theory of how embodiments of the present achieve the desired results, the dominant negative mutant Canola FAD2 (an ER-bound protein) appears to interfere with the accumulation of N, P and K reserve accumulation as shown in FIGS. 12-14 and Table VII, presumably by interfering with ER function. Thus, additional ER-bound enzymes involved in triacylglycerol (TAG) synthesis may be useful as targets that could disrupt packing of oil and protein bodies. These include the multitude of acyltransferases (G-3PAT, LPAAT, DGAT, PDAT, etc) that cooperate to place acyl groups on the glycerol backbone of TAGs.

[0076] The invention is further illustrated by the following examples which are not intended to be limiting in any way.



## EXAMPLES

## Example 1

## Production of Transgenic Cotton Plants Expressing a Mutant Canola FAD2 Gene

[0077] Plants were produced using the following methods. Cotyledon pieces (approximately 3 mm<sup>2</sup>) were excised from 7-14 day old cotton (*Gossypium hirsutum*, L., cv. Coker312) seedlings germinated aseptically according to known methods. See Thomas et al., *Plant Cell Reports* 14:758-762, 1995; Trolinder and Goodin, *Plant Cell Tissue Org. Culture* 12:43-53, 1988. Seedlings were grown at 30° under a 14 hour photoperiod, 60 µmol/s/m<sup>2</sup>.

[0078] Cotton explants were co-cultivated with 6×10<sup>8</sup> cells/mL *Agrobacterium tumefaciens* LBA4404, harboring the binary vector pBI121 for vector-only control experiments, or pZPHMCFd2 for fatty acid modification. Transgenic plants were regenerated by somatic embryogenesis. pZPHMCFd2, a binary vector, contains the Ti-plasmid left and right border (LB, RB) inverted repeat sequences for integration into cotton genomic DNA. The T-DNA segment harbors the selectable marker neomycin phosphotransferase (NPTII) regulated by the CaMV35S promoter, conferring kanamycin resistance to the transgenic plant cells. In addition, a fad2 suppression cassette was inserted into the T-DNA segment between unique BamHI and EcoRI sites. This cassette contains a non-functional canola mutant fad2 allele (2860 bp) subcloned between the 5' and 3' flanking regions of the phaseolin gene. Expression of this gene was regulated by the phaseolin promoter (Phas 5') and terminator regions (3' Phas).

[0079] The pZPHMCFd2 binary vector was introduced into *Agrobacterium tumefaciens* (strain LBA4404) by electroporation and maintained with kanamycin selection conferred by NPTII expression. See FIG. 1. FIG. 2 is a diagram of a control vector designated as pBI121, which lacks an FAD-coding sequence. See Chapman et al., *J. Am. Oil Chem. Soc.* 78:941-947, 2001. The NPTII gene is under the regulation of the nopaline synthetase (NOS) promoter and conveys kanamycin resistance. The glucuronidase (GUS) gene is under the control of the cauliflower mosaic virus (CaMV) 35S promoter. Left (LB) and right (RB) T-DNA border sequences facilitate incorporation into the host genome. Control transgenic cotton plants were produced using this vector by known methods. See Firoozabady et al., *Plant. Mol. Biol.* 10:105-116, 1987; Umbeck et al., *Plants Biotechnol.* 5:263-266, 1987; Thomas et al., *Plant Cell Reports* 14:758-762, 1995.

[0080] Briefly, cotton cotyledon explants were placed in co-cultivation medium (MS salts, see Murashige and Skoog, *Physiol. Plant.*, 15:473-497, 1962, which contains 1.5% w/v sucrose and 40 µM acetosyringone in 2 mM MES-NaOH, pH 5.5) along with an equal volume of *Agrobacterium* cell suspension. This mixture was placed under vacuum (25C Hg) for 8 minutes, and equilibrated to 25° C. in a water bath for an additional 75 minutes. Explants then were blotted on sterile filter paper and placed on G1 medium (MS salts with 3% w/v glucose) for 3 days at 25° C. The explants then were transferred to G2 medium (G1 medium also containing 100 mg/L inositol, 1 µM thiamine, 25 µM 6-(g-g-dimethylallyl)-lamidopyrine (21P), 0.5 µM naphthaleneacetic acid (NAA),

0.2% w/v Phytigel (Sigma) 400 mg/L carbenicillin and 50 mg/L kanamycin at pH 5.8). The transformed calli were subcultured every 2-4 weeks to fresh G2 medium. Mock transformations (co-cultivation of explants with *Agrobacterium* that contained no binary vector) were conducted in each case to verify that selection procedures were adequate. After 2-3 months, proliferating transgenic calli were transferred to a modified MSOB medium (G1 medium containing B-5 vitamins, 1.9 mM potassium nitrate, 100 mg/L inositol, 0.2% Phytigel, 200 mg/L carbenicillin and 50 mg/L kanamycin, pH 5.8).

[0081] Developing embryos were recovered after 6-8 weeks and placed on MSOB medium without antibiotics. Elongated embryos were transferred to MS3 medium (MS salts containing 0.4 µM thiamine-HCl, 0.5 µM pyridoxine-HCl, 0.8 µM nicotinic acid, 0.8 g/L Phytigel™ and 4 g/L agar, pH 5.8) for root formation. Small plantlets were propagated clonally according to known methods (Hemphill et al., *Plant Cell Rep.* 17:273-278, 1998), or transferred to soil, hardened off, then transferred to glasshouse conditions (14 hour photoperiod, supplemented with high intensity Na- and Hg-vapor lamps when necessary, 35° C. day/25° C. night) for production of flowers and bolls. Plants were fertilized biweekly with a dilute solution of Miracle Gro®, and flower production was stimulated with Super Bloom® when necessary. Flowers were selfed and tagged at anthesis. Progress of boll development was monitored daily. Any male sterile primary transformants (less than 5% of plants) were hand pollinated with Coker312 wild type pollen to obtain viable progeny.

[0082] Seeds from 43 individual primary transformants (see Example 1) were analyzed and scored for oleic acid percentage. Whole cottonseeds (pooled 8-seed batches or single seeds) were frozen in liquid nitrogen and ground to a fine powder with a mortar and pestle. Ground seeds were extracted with hexane. Aliquots of these hexane extracts were dried under flowing nitrogen and transesterified with acidic methanol essentially as described by Christie, *Lipid Analysis*, Second Edition, Pergamon Press, New York, pp 52-54, 1982, except that the KHCO<sub>3</sub> wash and Na<sub>2</sub>SO<sub>4</sub> drying steps were omitted. Fatty acid methyl esters were analyzed by gas chromatography (GC) and quantified by flame ionization detection (FID) essentially as described by Chapman and Trelease, *J. Cell Biol.* 115:995-1007, 1991, except that a 30 m (0.25 mm i.d.) DB-23 (J&W Scientific) capillary column was employed for separation and the oven temperature was 200° C. Eight lines were selected and analyzed for total lipid content (more than 95% triacylglycerols) by gravimetric analysis of the total lipid extract. The methods for this analysis were modified from Chapman and Moore, *Arch. Biochem. Biophys.* 301:21-33, 1993.

[0083] T1 seed from eight independent insertion events of the FAD2 gene were analyzed for total lipid using an ether extraction method and for oleic acid percent. For total lipid extraction, three subsamples, consisting of 3 or 4 seeds each, were analyzed. The means of results for the subsamples are given in FIG. 5. Oil percent and oleic acid percent in these T1 cotton seeds are highly correlated (r<sup>2</sup>=0.88), suggesting that the FAD2 gene, acting as a dominant negative allele, interferes with at least two endoplasmic reticulum-located lipid biosynthesis processes, fatty acid desaturation and lipid accumulation.

## Example 2

## Oleic Acid and Total Lipid Content in Seeds From a Primary Transformant Cotton Line

[0084] Seeds from line ZpH 84a primary transformants and several T3 progeny derived from this line were compared with respect to the relationship between oleic acid percentage and total lipid content. See Table I, below. Oleic acid percentage was measured by gas chromatography on lipid extracted from 8-seed pooled samples. Total lipid was measured gravimetrically on extracts from 3- to 4-seed pooled samples (approximately 250 mg mass). Total lipid values are mean  $\pm$  standard deviation,  $n=3$ . Values for seeds of the Coker312 background line (and vector-only control, PBI-121) are shown for comparison. These data indicate that a reduction in seed oil was associated with a modification in oleic acid percentage, although values varied somewhat.

TABLE I

Oleic Acid and Total Lipid Content in Transformed Cotton Seed		
Seed	% Oleic acid	% Total lipid
Coker312	14.7	14.4 $\pm$ 1.13
PBI-121	17.4	17.6 $\pm$ 1.47
Zph 84a T1 (primary transgenic parent)	28.5	9.78 $\pm$ 3.21
Zph 84a T3-1 (7' = 7221 T2 parent)	24.3	4.08 $\pm$ 0.28
Zph 84a T3-2 (10' = 10221 T2 parent)	32.6	5.86 $\pm$ 0.67
Zph 84a T3-3 (10' = 10412 T2 parent)	20.3	7.01 $\pm$ 0.45

## Example 3

## Seed Germination of Transgenic Plants

[0085] T1 seed from the eight independent insertion events discussed in Example 1 were germinated using methods known in the art specifically to maximize percent germination. Briefly, the conditions included germination in moist blotter paper maintained at a constant temperature of 30° C. Because the seeds had been stored for 4 years prior to germination, which exceeds the optimum storage life for cotton planting seed of 2 to 3 years, germination was conducted under optimum temperatures for cotton as defined by the International Seed Testing Association (30° C.) and near-sterile conditions. Those seedlings that successfully germinated were evaluated for hypocotyl and radicle length

on day 4 after planting, prior to transplanting into potting soil. None of the seedlings of the lowest oil content insertion event survived.

[0086] When plants reached the 10-leaf stage, PCR was used to determine the presence of the canola FAD2 gene insert in leaf tissue. The methods of Chapman et al., *J. Am. Oil Chem. Soc.* 78:941-947, 2001 were used to confirm the insertion of the foreign canola FAD2 gene into cotton plant cells. Briefly, this method consists of leaf tissue collection and preservation at -20° C., followed by extraction of DNA and PCR amplification using end point PCR and primer sequences unique to the canola FAD2 gene sequence.

[0087] Cotton DNA was used as template for PCR analysis with two canola-specific fad2 primers (forward: 5'-AT-GCAAGTGTCTCCTCCCTCC-3' (SEQ ID NO:1) and reverse: 5'-CGTTAACATCACGGTCGCTC-3' (SEQ ID NO:2)). These primers specifically amplified a 528 bp fragment of the canola fad2. The PCR reaction mixtures contained approximately 1  $\mu$ g of template DNA, 1  $\mu$ M of each primer, 0.2 mM dNTPs and 1.25 units of AmpliTaq™ DNA polymerase. Reaction conditions were 32 cycles of 95° C. (45 seconds), 60° C. (45 seconds) and 72° C. (2 minutes). The PCR amplification products were evaluated by agarose gel electrophoresis. Plants PCR-positive for the presence of the canola FAD2 gene had reduced radicle and hypocotyl length, supporting the hypothesis that low-oil content seeds can experience a reduced rate of seedling development relative to high-oil content seeds. See Table II, below.

TABLE II

Radicle and Hypocotyl Length		
Canola FAD2 Gene Present by PCR?	Radicle Length (cm)	Hypocotyl Length (cm)
yes	5.05	6.21
no	6.89	7.65

[0088] A second planting was initiated in May 2005 following the above protocol using seed from T1 plants grown in 2004. This recently harvested seed had been assessed for seed oil content using nuclear magnetic resonance according to standard methods. Table III below provides data showing the relationship between seed oil content, germination and seedling growth.

TABLE III

Table III. Summary of seed oil content, percent germination, and 5-day-old seedling growth characteristics for selected transgenic lines (T2) compared with controls (Coker 312 untransformed, pBI121 vector control, and null segregants (N)).

Parental line	Seed oil content (wt %)	Germination at 5 days (%)	Hypocotyl length (mm)	Radicle length (mm)	Total length (mm)
Coker 312-2	20.91	100	88.7 $\pm$ 13.0*	83.0 $\pm$ 23.1	170.7 $\pm$ 31.6
PBI121-15	20.63	100	63.0 $\pm$ 34.1	111.5 $\pm$ 26.4	174.5 $\pm$ 47.2
ZPH55B-3 (T)	9.18	40	65.6 $\pm$ 36.4(NS)	84.1 $\pm$ 51.4(NS)	149.7 $\pm$ 74.6(NS)
ZPH55B-12 (T)	10.23	55	74.1 $\pm$ 41.6(NS)	79.2 $\pm$ 49.2(NS)	144.2 $\pm$ 77.7(NS)
ZPH55B-10 (T)	10.11	35	45.7 $\pm$ 29.3**	41.8 $\pm$ 30.3**	87.6 $\pm$ 55.6**
ZPH55B-8 (N)	20.46	85	81.5 $\pm$ 25.0	95.5 $\pm$ 37.1	177.3 $\pm$ 56.8
ZPH36A-13 (T)	8.79	55	56.8 $\pm$ 37.6(NS)	68.0 $\pm$ 43.6(NS)	124.8 $\pm$ 78.7(NS)
ZPH36A-9 (N)	7.96	50	35.9 $\pm$ 30.9**	41.0 $\pm$ 31.0**	76.9 $\pm$ 59.4**
ZPH36A-1 (N)	20.33	100	65.3 $\pm$ 22.5	91.0 $\pm$ 36.8	156.4 $\pm$ 52.6
ZPH11G-13 (T)	8.77	45	51.5 $\pm$ 27.5*	49.5 $\pm$ 30.5****	101.0 $\pm$ 43.1****

TABLE III-continued

Table III. Summary of seed oil content, percent germination, and 5-day-old seedling growth characteristics for selected transgenic lines (T2) compared with controls (Coker 312 untransformed, pBI121 vector control, and null segregants (N)).					
Parental line	Seed oil content (wt %)	Germination at 5 days (%)	Hypocotyl length (mm)	Radicle length (mm)	Total length (mm)
ZPH11G-5 (T)	9.62	25	53.0 ± 34.7**	38.4 ± 22.2*****	91.4 ± 56.3*****
ZPH11G-8 (N)	20.67	95	80.7 ± 16.4	95.6 ± 11.3	171.0 ± 22.4
ZPH11E-11 (T)	8.89	20	39.0 ± 8.72*****	32.0 ± 4.54*****	71.0 6.06*****
ZPH11E-8 (T)	2.14	0	N/A	N/A	N/A
ZPH11E-6 (T)	20.29	90	89.8 C 18.5	114.7 C 23.2	204.5 C 31.5

\*mean and standard deviation, n = 4-20;

\*\*p &lt; 0.05, t-test vs null;

\*\*\*p &lt; 0.005, t-test vs null;

\*\*\*\*p &lt; 0.0005, t-test vs null;

\*\*\*\*\*p &lt; 0.00005, t-test vs null;

\*\*\*\*\*p &lt; 0.000005, t-test vs null;

(NS) p &gt; 0.1, t-test vs null.

N/A, not applicable.

## Example 4

Expression of the Transgene in Seed Does Not  
Impact Growth Through the First Bloom  
Developmental Phase

[0089] Total nodes and plant height, in centimeters from the cotyledons, were measured during the 43 days after planting. Representative data are reported in Table IV, below. The set of plants PCR-positive for the canola FAD2 gene had fewer nodes and reduced plant height compared with the near isogenic PCR-negative plants at 22 days after planting. By 28 days after planting, however, the differences observed at 4 and 22 days were no longer evident, and both populations of plants appeared to be growing normally. Expressing the FAD2 gene using a seed-specific promoter, therefore, resulted in delayed germination without a durable impact on seedling growth.

TABLE IV

Effect of Presence of Transgene on Total Nodes and Plant Height		
Days After Planting	Total Nodes (Canola FAD2 Gene Present/Absent by PCR)	Plant Height (Canola FAD2 Gene Present/Absent by PCR)
22	2.99/3.77	6.29/5.95
28	3.70/4.08	10.35/10.35
36	5.56/5.33	14.83/15.76
43	9.93/10.37	32.31/31.84
59	12.93/13.21	62.24/62.80

## Example 5

Expression of the Transgene in Seed Impacts Seed  
and Fiber Constituents

[0090] Individual plants expressing the FAD2 transgene and non-expressing controls (non-expressing transgene, azygous plant or non-transformed Coker 312 plants) were harvested to determine the fiber and seed yields along with various seed parameters. Bolls were harvested from all T1 plants and each position was noted. Total seed cotton weight was measured for each boll and recorded by node position.

Samples were grouped into two zones, one in the central region of the plant (nodes 6, 7 and 8) and one zone encompassing remaining nodes above and below the central zone (vegetative and lower nodes and those above position 8). Samples for each zone were pooled and ginned in a benchtop 10-saw cotton gin, and fiber and seed weights recorded for each zone for each plant. Seed index (weight of 100 seeds) also was recorded for each zone, and the total number of seeds and bolls from each zone were tabulated. Fifteen-seed samples from zone one of each plant were placed into glass vials and sterilized by autoclaving. Oil content (by weight %) was measured in each 15-seed sample by low-frequency pulsed-field <sup>1</sup>H-NMR in a benchtop minispec (Bruker Instruments™).

[0091] FIGS. 6-9 show the relationship between FAD2 expression and seed oil content (FIG. 6), lint percent in the central zone of the plant (nodes 6, 7 and 8; FIG. 7), seed index (FIG. 8), fiber yield per plant (FIG. 9) and number of seeds per boll (FIG. 10). FAD2 expression had a highly significant impact on the first three parameters, indicating that the dominant negative allele methods are able to alter oil content. Fiber yield was not consistently increased in FAD2-expressing plants due to low seed set (FIG. 9). In the confines of an insect-controlled glasshouse, cross pollination by insects is restricted. Thus self-pollination predominates.

[0092] The phaseolin promoter has been shown to express in the seed and anthers of multiple plant species (*Nicotiana tabacum*, *Phaseolus vulgaris*, *Vicia faba* and *Arabidopsis thaliana*). See Chandrasekharan et al., *Plant J.* 33:853-866, 2003; Zakraev et al., *J. Exp. Botany* 55(402):1463-1471, 2004. Transgene expression also has been shown to result in pollen sterility for xylanase pollen expression and for Diphtheria Toxin A pollen expression. See Zakharov et al., *J. Exp. Botany* 55(402):1463-1471, 2004; van der Geest et al., *Plant Physiol.* 109:1151-1158, 1995. Due to the role of stored triacylglycerol lipids in anthers, it is not unexpected that anther expression of oil-suppression transgenes also should reduce pollen function and seed set. Thus, if reduced seed set is to be avoided with oil-suppression technology, the use of promoters with limited to negligible expression in pollen, such as AGP, are most preferred.

## Example 6

Field Emergence and Seedling Vigor of Cotton  
Planting Seed Lots with Varying Oil Content

[0093] To confirm the relationship between seed oil content and resulting seedling development, forty commercial lots of a low-oil content variety cotton, DP555 BGRR, were analyzed using the methods described in Example 2 for oil content. Samples also were planted in a four-replication trial (Winterville, Miss., into warm soils on May 26 to a depth of approximately 2 inches from the surface. Normal planting depth is no more than 1 inches deep at this location, thus a 2-inch deep planting created emergence stress on the seedlings, thereby causing longer hypocotyls since they emerge from the greater depth. These forty seed lots were assessed for warm germination (20° C. for 16 hours alternating with 30° C. for 8 hours) and cool germination (constant 18° C.) using industry standard methods. Simple correlations were developed for the following parameters: oil content (after warm germination and cool germination), final percent stand survival at day 28, and seedling vigor rating at day 8 post planting, Table V. The standard deviation of seed oil content of one of the lots was twice that of the next most variable lot. This lot was excluded from the analysis, leaving a total of 39 lots.

TABLE V

Simple Correlation Coefficients Between Seed Oil Content and Various Seed Quality Parameters						
	Vigor DAP8	Survival DAP19	Year Grown	Warm Germinat. (%)	Cool Germinat. (%)	Seed Weight (g/100 seeds)
Oil %	-0.458	0.440	-0.102	-0.203	0.202	0.255
Seed	-0.352	0.157	-0.172	0.022	0.278	—
Weight						
Cool	-0.229	0.120	0.059	0.501	—	—
Germinat.						
Warm	-0.209	0.398	0.000	—	—	—
Germinat.						
Year	-0.073	0.052	—	—	—	—
Survival	-0.834	—	—	—	—	—

[0094] Vigor Rating (a visual rating with 1 being best, and 5 being worst) has been developed as a predictor of seedling survival. Seedlings with high vigor have an increased chance of surviving. The highly significant correlation between vigor and survival ( $r=-0.834$ ;  $N=39$ ;  $P<0.01$ ) provides an internal check on the field protocol and data collection. Following this anticipated correlation, the next best predictor of both vigor and survival was seed oil percent. Seed oil percent was a superior predictor of field performance than either warm germination or cool germination. These data indicate that reduced oil content of cotton seeds impairs their normal germination in the field.

## Example 7

Transgenic Cotton Seeds with Disrupted  
Seed-Storage Embryo Tissue

[0095] FIGS. 3 and 4 show light and electron microscope micrographs for seed cotyledons from 3 plants, a high seed oil line (Coker 312), a medium seed oil line (Zph84A-8) and

a low seed oil line (Zph11E-8). Both the medium and low seed oil lines express the FAD2 Dominant Negative Mutation and show a disruption to both oil and protein bodies in the cotyledonary mesophyll, as compared with the Coker 312 tissue. Since protein bodies and oil bodies are assembled in the endoplasmic reticulum, which is also the site of FAD2 enzyme function, cotyledonary tissue expressing a Dominant Negative Mutant FAD2 allele has impaired development of both protein and oil bodies. These micrographs show the functioning of the FAD2 gene in cotyledonary tissue.

## Example 8

Transgenic Cotton Seeds with Reduced Nutrient  
Extraction

[0096] Seed cotton from 106 individual T1 plants, PCR-negative and PCR-positive for the presence of the mutant canola FAD2 gene, were hand harvested. These bolls were ginned separately to allow determination of fiber weight per boll, seed weight per boll and seed number per boll. From these determinations a calculation of fiber weight per seed was derived. Aliquots of 10 seeds each were weighed and devitalized by autoclaving (120° C., 20 min). Oil content was determined by nuclear magnetic resonance (NMR) according to the International Organization for Standardization, reference number ISO 10565:1992(E) Oilseeds-Simultaneous determination of oil and moisture contents-Method using pulsed nuclear magnetic resonance spectroscopy. A Bruker NMS 110 Minispec NMR Analyzer calibrated with cottonseed oil was used to estimate percent oil by seed weight (Rutar, (1989) J Agric Food Chem 37: 67-70).

[0097] After the non-destructive determination of oil content, these seeds were analyzed for moisture content, total N, total P and total K at a commercial plant testing facility with the following methods (moisture content by AOAC 4.1.06 from the Official Methods of Analysis of AOAC International, 16th Edition, 1995; total N by AOAC 4.2.08 from the Official Methods of Analysis of AOAC International, 17th Edition, 1998; and total P and K by SW-6010B from the USEPA, SW-846, Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, 3rd Ed. Current Revision). The following results were obtained (Table VI and Table VII.)

TABLE VI

Average Seed Index, Seed Oil Percent and Fiber per Seed in T2 Fuzzy Cotton Seed of Transgenic Events Expressing or Non-Expressing a Mutant Canola FAD2 Protein.				
Cotton Line	FAD2 PCR	Seed Index (g/100 fuzzy seeds)	Seed Oil %	Fiber (mg/seed)
Coker312	negative	13.66	20.4	75.1
PBI121	negative	14.16	20.1	78.7
Zph56D	negative	12.61	19.9	73.6
Zph55B	negative	11.55	17.8	65.8
Zph11G	negative	13.67	20.1	71.9
Zph11H	negative	14.04	20.4	77.2
Zph11E	negative	13.56	20.1	74.3
Zph36A	negative	12.61	20.2	69.8
average		13.23	19.9	73.3
Zph55B	positive	9.36	10.5	66.3
Zph56D	positive	10.14	11.2	69.4
Zph11G	positive	8.97	11.7	70.5

TABLE VI-continued

Average Seed Index, Seed Oil Percent and Fiber per Seed in T2 Fuzzy Cotton Seed of Transgenic Events Expressing or Non-Expressing a Mutant Canola FAD2 Protein.				
Cotton Line	FAD2 PCR	Seed Index (g/100 fuzzy seeds)	Seed Oil %	Fiber (mg/seed)
Zph11H	positive	9.13	11.7	64.2
Zph11E	positive	9.34	9.6	67.1
Zph36A	positive	9.58	10.8	78.4
Zph84A	positive	9.56	9.4	74.1
average		9.44	10.7	70.0

[0098]

TABLE VII

Table VII. Average Nitrogen, Potassium and Phosphate Content as Reported in Weight per Weight of Seed and Weight per Weight of Fiber in T2 Fuzzy Cotton Seed of Transgenic Events Expressing or Non-Expressing a Mutant Canola FAD2 Protein. One bale of fiber weighs 480 pounds.							
D&PL lot #	FAD2 PCR	N %	K (mg/Kg)	P (mg/Kg)	N (lbs/bale)	K2O (lbs/bale)	P2O5 (lbs/bale)
Coker312	negative	4.23	12,806	10,409	37.2	13.5	21.1
PBI121	negative	4.60	12,752	10,237	39.7	13.2	20.3
ZpH56D	negative	4.83	15,465	11,954	39.9	15.5	23.0
ZpH55B	negative	4.53	17,039	13,668	38.2	17.2	26.5
Zph11G	negative	4.59	14,652	9,022	41.8	16.1	19.0
ZpH11H	negative	4.89	9,822	6,669	42.6	10.3	13.4
Zph11E	negative	4.63	15,381	9,172	40.6	16.2	18.5
ZpH36A	negative	6.41	15,841	9,453	53.6	16.5	18.9
average		4.84	14,220	10,073	41.7	14.8	20.1
ZpH55B	positive	4.34	11,862	7,638	31.4	9.6	11.9
ZpH56D	positive	4.82	13,116	9,084	33.9	11.2	15.0
Zph11G	positive	4.11	12,243	6,439	25.8	9.0	9.0
Zph11H	positive	4.18	12,448	6,832	28.6	10.2	10.7
ZpH11E	positive	5.01	12,228	6,702	32.6	9.8	10.3
ZpH36A	positive	4.02	13,609	6,884	23.6	9.6	9.3
ZpH84A	positive	4.14	12,705	7,216	25.9	9.6	10.4
average		4.37	12,602	7,256	28.8	9.9	10.9

[0099] Ten-seed pooled samples were de-husked, flash-frozen in liquid nitrogen and embryos were crushed in a chilled mortar. Crushed seed samples were then homogenized in a glass vessel with a motorized pestle in extraction buffer (0.5M Tris, pH 8.65, 50 mM EDTA, 100 mM KCl, 2% beta-mercaptoethanol) and Tris buffer-saturated phenol following the procedure of Ferguson et al., 1996 [Ferguson, D L, Turley, R B, and Meredith W R, Jr., 1996, J. Agric. Food Chem. 44: 4022-4029]. Homogenates were centrifuged at 13,000xg for 15 min, and the phenol layer was collected and washed two times with equal volumes of extraction buffer. Total protein was estimated from diluted aliquots of the phenol extracts according to Bradford (1976) [Bradford M M, 1976, Anal. Biochem. 12: 248-254] See FIG. 11.

[0100] Fuzzy cotton seed harboring a nonfunctional canola FAD2 allele (FAD2 positive), relative to the FAD2 negative seed (null segregants), had consistently lower protein, nitrogen, phosphorus and potassium content per mass of fiber for all transgenic events tested, see Tables 6 and 7 and FIGS. 11, 12, 13 and 14. Protein was reduced to a greater degree than N, P or K in the seed providing further support

to the claim that the FAD2 Dominant Negative Mutation is disruption protein bodies in cotton seeds. Considering that there were no significant differences in fibers per seed between FAD2 positive and negative seeds, as seen in FIG. 15, the reduction in seed nutrients allows a substantial savings in soil nutrients for comparable fiber yields.

[0101] In both hand and machine picked cotton production systems only the seed cotton (seed with fiber attached) are removed from the field. Thus, these results clearly demonstrate the utility of embodiments of the disclosed inventions in reducing the fertilizer requirement to produce cotton fiber. In high input cotton production, fertilizer cost and early season insect pest feeding may be substantially reduced with plants made by the disclosed methods. In low input cotton,

less nutrient extraction from the soil enhances the long term sustainability of agriculture while increasing fiber yield.

[0102] When the seed nutrient contents were correlated against other seed parameters the following table of correlation coefficients was determined.

TABLE VIII

Cross Correlations between Parameters of Seed Harvested from Individual FAD2 Positive or Negative Plants. Cross Correlations N = 106 P.01 = 0.254					
	Seed index (g/100)	Seed Oil	Fiber	N/ Fiber	K/ Fiber
P (g/g fiber)	0.658	0.616	0.039	0.622	0.908
K (g/g fiber)	0.556	0.515	-0.075	0.624	
N (g/g fiber)	0.584	0.563	-0.223		
fiber (g/seed)	0.330	0.292			
oil % (w/w)	0.860				

[0103] All correlations reported in Table VIII are statistically significant at the 1% level with the exception of

correlations between nutrients and fiber mass per seed. Since fiber mass accumulates in a boll approximately 15 days in advance of the embryo mass, the reductions in embryo N, P and K resulted in only slight impact on fiber development. This is further evidence for the value of embodiments of this invention, as a savings in N, P and K fertilizer that can be realized without interfering with fiber development, a biological process that has been optimized for spinning performance by plant breeders (both modern and primitive) for over 5,000 years.

[0104] Correlations among the embryo parameters (oil, N, P and K) were all highly significant, as expected from the effective functioning of the FAD2 Dominant Negative Mutation on the endoplasmic reticulum located oil and protein body formation. Since potassium is the dominant cation bound to phytate (the storage form of phosphorus in protein bodies) a reduction in phytate is anticipated to have a concomitant reduction in potassium. Among the embryo parameters, the highest correlations are between P and K ( $r=0.908$ ), with less significant correlations between P and N ( $r=0.662$ ) and between K and N ( $r=0.624$ ) substantiating the close phytate-potassium relationship in protein bodies.

#### Example 9

##### Transgenic Cotton Plants with Enhanced Fiber Yield

[0105] Seed harvested from T1 plants of four independent FAD2 events, both PCR positive plants and PCR negative null segregant plants, were germinated, tested for the presence of the FAD2 gene and then grown to maturity in a glasshouse under uniform environmental and production practices. The following table lists the yield components for 12 T2 FAD2 PCR negative plants and 10 T2 FAD2 PCR positive plants.

TABLE IX

Seed and Fiber Yield Components for Glasshouse Grown T2 FAD2 Positive Plants Expressed as a Percent of the T2 FAD2 Negative Plants

Seed Oil Percent - 45%
Seeds per Bolls - 108%
Number of Bolls per Plant - 99%
Total Boll Weight per Plant - 101%
Total Seed Weight per Plant - 88%
Seed Index (g/100 seeds) - 78%
Lint Index (g/100 seeds) - 115%
Lint Percent - 125%
Lint Weight per Plant - 123%

[0106] Although the harvested mass per plant (Total Boll Weight and Number of Bolls per Plant) were similar for FAD2 positive and negative plants, the substantial reduction in seed oil and seed index in the FAD2 positive plants was matched with a substantial increase in Lint Percent and Lint Weight in these same plants, relative to the PCR negative plants. FAD2 positive plants had reduced seed yield and increased fiber yield, relative to FAD2 negative plants, providing support for the yield enhancement benefits derived from this invention.

#### Example 10

##### Drought Stress Tolerance of Two Cotton Varieties with Varying Levels of Seed Oil Content

[0107] Beyond the fertilizer and soil nutrition benefits derived from reducing N, P and K in the seed, an additional benefit derives from the metabolic savings to the plant as the biosynthesis of protein and phytate requires substantial amounts of reduced carbon precursors and high energy reductants. Minimizing the need for these two inputs allows greater plant metabolic resources that can be used to generate new leaves, roots and maintain plant defenses against diseases and nematodes. To establish differences in seed oil content a low oil variety (DP 555 BG/RR, oil content of 14.0%) and a high oil variety (ST 5599BR, oil content of 18.2%) were compared at 4 midsouth locations with 4 replications. The LSD 0.05 was 1.15% oil. To establish the yield performance under a wide range of environments, these same two varieties were compared at 971 U.S. locations which were sorted into 5 location groups based on the yield of ST 5599RR. FIG. 16 shows the mean yield of the low oil and high oil varieties for each group. The interaction of variety by group was highly significant,  $p=0.008$ . The low oil variety substantially outperformed the high oil variety only in the low yield group, while they were comparable in higher yield groups. This provides support for the proposed mechanism that varieties with reduced seed storage have greater metabolic resources for new root and leaf development that can contribute to yield stability under low yielding (stress) environments.

#### Example 11

##### Cartoon of Preferred Embodiment

[0108] FIG. 17. details a cartoon diagram for the preferred embodiment using a gene switch mediated dominant negative mutant Canola FAD2. The seed production cycle allows selfing and seed increase. Seed from any of these seed production cycles can be used in the yield enhancing cycle by treating the seed with the appropriate chemical trigger thereby turning on the gene switch controlled FAD2 during the subsequent yield enhancing cycle. During the yield enhancing cycle, abundant fiber production is achieved in fields with lower levels of soil fertility as the resulting cotton seeds have lower content of oil, N, P and K.

[0109] While various embodiments/variations of the present invention have been described above, it should be understood that they have been presented by way of example only, and not limitation. Thus, the breadth and scope of the present invention should not be limited by any of the above-described exemplary embodiments, but should be defined only in accordance with the following claims and their equivalents.

## SEQUENCE LISTING

&lt;160&gt; NUMBER OF SEQ ID NOS: 2

&lt;210&gt; SEQ ID NO 1

&lt;211&gt; LENGTH: 21

&lt;212&gt; TYPE: DNA

&lt;213&gt; ORGANISM: Canola Brassica

&lt;400&gt; SEQUENCE: 1

atgcaagtgt ctctctccctc c

21

&lt;210&gt; SEQ ID NO 2

&lt;211&gt; LENGTH: 20

&lt;212&gt; TYPE: DNA

&lt;213&gt; ORGANISM: Canola Brassica

&lt;400&gt; SEQUENCE: 2

cgttacatc acggtcgctc

20

1. A method of increasing fiber yield in a cotton plant, which comprises:

(a) inserting into a cell of said cotton plant a transgene encoding a protein expression of which reduces the activity of one or more enzymes that function in oil production in cottonseed; and

(b) regenerating a whole cotton plant from said cotton plant cell.

2. The method of claim 1 wherein said transgene comprises a dominant negative allele of a gene coding for an enzyme selected from the group consisting of carbonic anhydrase, acetyl-CoA carboxylase (ACCase), fatty acid desaturase, lysophosphatidic acid acyltransferase, diacylglycerol acyltransferase, phospholipid: diacylglycerol acyltransferase and  $\beta$ -keto-acyl carrier protein synthase II.

3. The method of claim 1 wherein said transgene comprises a dominant negative allele of a native plant gene.

4. The method of claim 1 wherein said transgene comprises a dominant negative allele of a gene coding for a fatty acid desaturase.

5. The method of claim 1 wherein said transgene comprises a mutant canola FAD2 gene.

6. The method of claim 5 wherein said mutant FAD2 gene is canFAD2'.

7. The method of claim 1 wherein said transgene encoding a protein further comprises a seed-specific promoter operably linked to said protein.

8. The method of claim 6 wherein said seed-specific promoter has negligible to nil expression in anthers or pollen.

9. The method of claim 4 wherein said seed-specific promoter is the  $\alpha$ -globulin promoter of cotton.

10. The method of claim 4 wherein the linkage between said transgene encoding a protein and said seed-specific promoter is convertible from an inoperable to an operable linkage by the action of a gene switch.

11. A method of increasing fiber yield in a cotton plant, which comprises:

(a) inserting into a cell of said cotton plant a transgene encoding a mutant canola FAD2 gene under control of the  $\alpha$ -globulin promoter of cotton, expression of which reduces the activity of enzymes of oil production in cottonseed; and

(b) regenerating a whole cotton plant from said cotton plant cell.

12. A cotton plant produced by the method of claim 1.

13. A cotton plant produced by the method of claim 11.

14. Seed of the cotton plant of claim 12.

15. Seed of the cotton plant of claim 13.

16. A method of increasing fiber yield in a cotton plant, which comprises:

(a) inserting into a cell of said cotton plant a transgene encoding a protein expression of which reduces the available transportable carbon used in the biosynthesis of oil and protein in cottonseed; and

(b) regenerating a whole cotton plant from said cotton plant cell.

17. The method of claim 16 wherein the carbon is used in the biosynthesis of oil.

18. The method of claim 16 wherein the carbon is used in the biosynthesis of protein.

19. The method of claim 16, wherein the cotton plant further comprises a cotton plant having enhanced fiber yield and reduced nitrogen content.

20. The method of claim 16, wherein the cotton plant further comprises a cotton plant having enhanced fiber yield and reduced seed nitrogen content.

21. The method of claim 16, wherein the cotton plant further comprises a cotton plant having enhanced fiber yield and reduced prebloom nitrogen leaf content.

22. The method of claim 19, wherein the cotton plant is resistant to insect pests.

23. The method of claim 22, wherein the insect pests are selected from the group consisting of Hemiptera, Lepidopteran and Homoptera insects.

24. The method of claim 20, wherein the cotton plant suppresses seed feeding by Hemiptera insects.

25. The method of claim 21, wherein the cotton plant suppresses leaf feeding by Lepidoptera and Homoptera insects.

26. A cotton plant produced by the method of claim.

27. A seed of the cotton plant of claim 26.

28. A method of increasing fiber yield in a cotton plant, which comprises:

(a) inserting into a cell of said cotton plant a transgene encoding a protein expression of which reduces the storage of macronutrients in cottonseed; and

(b) regenerating a whole cotton plant from said cotton plant cell.

29. The method of claim 28 wherein the macronutrient is selected from the group consisting of phosphorous, nitrogen and potassium.

30. A cotton plant produced by the method of claim 28.

31. A seed of the cotton plant of claim 30.

\* \* \* \* \*



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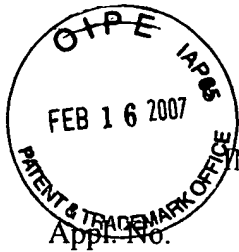
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/647,140  
Applicant : Kater Davis HAKE et al.  
Filed : 25 August 2003  
TC/A.U. : 1638  
Examiner : Brendan O. Baggot

Docket No. : 1760-297  
Customer No. : 06449  
Confirmation No. : 1047

**REQUEST FOR EXTENSION OF TIME**

Director of the United States Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

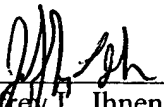
Dear Sir:

Under the provisions of § 1.136(a), applicant petitions the Commissioner of Patents and Trademarks to extend the time for response to the Office Action dated 10 August 2006 for three months from 10 November 2006 to 10 February 2007.

Please charge the cost of \$1,020.00 to deposit account no. 02-2135 to cover the cost of the extension and any additional payment which may be required. An extra copy of this letter is attached.

Respectfully submitted,

By

  
Jeffrey L. Ihnen

Attorney for Applicants

Registration No. 28,957

ROTHWELL, FIGG, ERNST & MANBECK, p.c.

Suite 800, 1425 K Street, N.W.

Washington, D.C. 20005

Telephone: (202)783-6040

Enclosures: Amendment and attachments

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02/20/2007 JADD01 00000000 022135 10647140

1020.00 DA

**PAT-PTO RECEIPT**

**TO BE DATE-STAMPED BY THE U.S. PATENT AND TRADEMARK OFFICE AS ACKNOWLEDGMENT OF RECEIPT BY IT OF THE FOLLOWING:**

*(type detailed description here)*

- 1. Amendment**
- 2. Three-Month Extension of Time** *copy*
- 3. Attachments**



<input checked="" type="checkbox"/>	<b>FEE(S) PAID:</b> \$1020.00	<input type="checkbox"/>	<b>CHECK</b>	<input checked="" type="checkbox"/>	<b>DEP ACCT 02-2135</b>
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**IN REGARD TO**

<b>ATTORNEY DOCKET NO.:</b> 1760-297	<b>SERIAL NO.:</b> 10/647,140	<b>PATENT NO.:</b>
<b>FIRST-NAMED INVENTOR:</b> Kater D. HAKE	<b>FILING DATE:</b> 8/25/2003	<b>ISSUE DATE:</b>
<b>ATTORNEY/ASSISTANT:</b> JLI:brp	<b>DUE DATE:</b> 2/12/2007	

**Date-Stamp Here**

10817



*DAW\$*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/647,140  
Applicant : Kater D. HAKE  
Filed : 25 August 2003

Docket No. : 1760-297  
Customer No. : 06449  
Confirmation No. : 1047

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**LETTER IN RESPONSE TO EXAMINER'S REQUEST**

Pursuant to Examiner Baggot's request, enclosed please find a copy of our Amendment, three-month extension of time and attachments as filed in the United States Patent and Trademark Office on 12 February 2007, along with a copy of the PTO receipt card.

Respectfully submitted,

By

Jeffrey L. Ihnen  
Attorney for Applicants  
Registration No. 28,957  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202)783-6040

Enclosures

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